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THE SOCIAL CONTRACT

Vol. IV, No. 4 Summer 1994

This Quarter's Theme:

The U.S. Congress and U.S. Population Growth

Who in Congress Is Responsible for U.S. Population Growth? — Roy Beck

European Immigration Reform: A Model for the U.S.? — Rosemary Jenks

Ins and Outs of British Immigration Policy — David A. Coleman

The Basic Right of Citizenship: A Comparative Study — Sarah A. Adams

Language in the Workplace — Robert D. Park

PLUS
ESSAYS, OPINION PIECES, REVIEWS AND REPORTAGE ON:
population growth, language, assimilation,
culture, and the environment.

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A STATEMENT OF PURPOSE

Just over two decades ago, concern over rapidly growing human population led to the development of the so-called "population movement" aimed at reducing the rate of population growth, both at home and abroad. At home, for a variety of reasons, birth rates fell sharply to sub-replacement levels. However, immigration grew steadily due, in significant measure, to the burgeoning population overseas. Today, human numbers world wide expand at about 10,000 per hour, a quarter of a million each day, 90 million a year.

The combined circumstances of low birth rates and high immigration pressures pose for all the developed countries the three most fundamental questions of immigration policy:

1. **How** many people shall we admit, and **what factors** should be taken into account in setting this limit?
2. **Who** should be chosen to immigrate, and **what criteria** should be used for choosing?
3. **How** shall we humanely enforce the rules we decide upon?

THE SOCIAL CONTRACT seeks to explore and illuminate these questions by publishing new material, and also by pulling together and reprinting existing works from many now-scattered sources. Our goal is to provide a periodical devoted to the interrelated topics of:

- **Human population** questions, including its absolute size, rate of growth, and distribution. In nations with low natural increase and high immigration, the latter is a significant component of population growth. (In an ideal world, policy on immigrant numbers would derive from a national population policy.)
- **Immigration policy**, especially as it relates to the three basic policy questions mentioned above: how many, who, and how?
- **Language, assimilation, and national unity** considerations, which in large measure derive from and are driven by immigration and assimilation policies.
- **The balance of individual rights and civic responsibilities** since, as with many issues today, population, immigration and language questions are often framed in terms of 'rights.' What is the proper balance of individual and community rights and interests?

Our method for approaching these connected issues is the time-honored concept of "The Social Contract." Most great public issues are basically moral and ethical ones: What is the right thing to do? How do we decide what we think is right? When 'rights' collide, which ones shall take precedence? The discipline of thinking through these issues in terms of a Social Contract allows one to achieve a balance: of individual and community interests; of the short and the long term; and of utopian idealism and the realities of the world in which we live.

But most importantly, THE SOCIAL CONTRACT is not a detached forum for discussion in some backwater of life. Our issues are all in the forefront of public policy discussions in the United States, which is our primary focus. Our Editorial Advisors are drawn from many of the main organizations trying to influence the course of policy in the issue areas we have chosen. Our journal is one of the tools they use to raise questions, debate themes, and communicate ideas — to encourage vigorous public debate and subsequent changes in our laws and public policies.

We invite you to take part in this Great Debate by reading and contributing to THE SOCIAL CONTRACT.

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THE SOCIAL CONTRACT

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If Everyone is a Refugee, Then No One is a Refugee Editorial

New and novel bases for claiming refugee status keep cropping up. Just in from Australia is a report of a Norwegian sailor who has claimed refuge in that land because his home country has not banned whaling! His backup claim: that he was entitled to refugee status because his country has on occasion jailed males who refused compulsory military service. That could of course qualify the majority of males in the world for refugee status.

Combined with Bruce Fein's proposal for making most of the world's women *as a class* candidates for refugee status (see p.297), it is beginning to look as if nearly everyone can qualify on some basis as a refugee. If everyone is a refugee, than no one is a refugee — the classification has lost its meaning.

The U.S. Department of Justice has recently added to this confusion by proposing to make sexual orientation a basis for claiming refugee status. This raises interesting questions about how the claim would be substantiated, whether one's orientation could be changed once refugee status was granted, or whether the grant would be temporary (as all refugees should be) so that the individual would return home when the condition complained of is rectified. It is rather like the marriage fraud question: how do we avoid marriages of convenience which are for the purpose of getting one's papers?

Perhaps it is time to start over. Perhaps the United States should abrogate its signing of the UN Convention on Refugees as no longer being workable, repeal the laws concerning refugees which were passed in its wake, and try to put together a new system that will distinguish between the few deserving cases and all the rest that use refugee law as just one more route to getting immigrant status.

To provide some idea of the categories of persons now becoming eligible for refugee and asylee status, we present these tables, with our guesses on numbers.

IF EVERYONE IS A REFUGEE, THEN NO ONE IS A REFUGEE

New and novel bases for claiming refugee status,
together with an approximation of the potential numbers.

I.	CATEGORY	POTENTIAL NUMBERS
1.	Chinese students, post Tiananmen Square	? 50,000,000
2.	Chinese Objectors to 1-child policy (both parents)	? 300,000,000
3.	Seventh Day Adventists and Jews in Russia	? 3,000,000
4.	Athletes and Musicians	A few
5.	Homosexual orientation (? 5% of world population?)	? 250,000,000
6.	Those subject to ethnic, tribal, and racial unrest	? 500,000,000
7.	Women fearing genital mutilation	? 300,000,000
8.	Those seeking to avoid military service — pacifists	? 5,000,000
9.	Those protesting right-wing gov'ts (sanctuary movement)	? 20,000,000
10.	Gender: Women in Islamic or other countries which do not offer "equal rights" (now being attempted in Canada)	? 1,000,000,000
	TOTAL	2,428,000,000

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II.	NEW CATEGORIES THAT COULD BE TRIED	POTENTIAL NUMBERS	
1.	People in Islamic countries who want to use alcohol	?	50,000,000
2.	Protestants in Catholic countries having concordats with the Vatican	?	100,000,000
3.	Catholics in Protestant countries with an official Protestant state church	?	100,000,000
4.	Christians and Jews in fundamentalist Muslim countries (Copts in Egypt for instance)	?	5,000,000
5.	Smokers in countries with laws restricting this practice and discriminating against tobacco users	?	100,000,000
6.	Users of hallucinogenic drugs as a religious practice	?	10,000,000
7.	What else?		
	TOTAL		**365,000,000**

This second table is somewhat tongue-in-cheek, although one should not underestimate the ingenuity of immigration lawyers.

The message, of course, is that these problems — real problems in most cases — could never be solved just by moving people away from them. The numbers are just too great! The problems must be confronted on their home ground, most likely by those who feel most strongly about them. These are the very people who are moving away. With the potential "change agents" gone, how will change come? What if Lech Walesa had emigrated to escape bad conditions? In this vein, see the excerpt from A.O. Hirschman's book beginning on page 272.

We're entering the season in which politicians again contest for the hearts and minds — and votes — of their fellow Americans. Roy Beck, our Washington editor, reports on congressional positions about population growth, and we hear from a variety of other politicians: Governor Wilson, former mayor Koch, and Representative Santorum.

With these, along with articles from Europe, Australia, and across the U.S., we wish you some good summer reading.

John H. Tanton
Editor and Publisher

A Growing Minority

The U.S. Census Bureau now projects that Hispanics will comprise 15.7 percent of the population of the United States by the year 2020.

— *Current Population Reports:*
Population Projections for States, by Age, Sex, Race and Hispanic Origin, 1993-2020
Document P25-1111, U.S. Census Bureau, April 1994

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Roy Beck, Washington editor of THE SOCIAL CONTRACT, *has been reporting on population and the environment since 1969. His coverage of immigration recently was featured in* The Atlantic Monthly, National Review *and* New York Newsday. *His "Debater's Handbook" on population and immigration is due for release this fall.*

Who in Congress Is Responsible for U.S. Population Growth?

And Who Is Addressing Americans' Wish to Slow It Down?

By Roy Beck

The majority of members of Congress continue to guard federal policies that force rapid population growth in the United States, according to a survey by THE SOCIAL CONTRACT. The lawmakers' insistence on — or acquiescence in — the domestic increase contrasts with the leadership U.S. officials are giving for the UN Population Conference in Cairo this fall, where there will be discussions about the importance of stabilizing the global population.

Senators and representatives, by and large, find environmental and economic sense in the idea that impoverished countries, and the world, would benefit from halting further population growth. But the legislators deny such stabilization to their own citizens by requiring the admission of nearly a million immigrants a year. (That is a level more than triple the traditional average between 1820 and 1965.)

Americans, by a ratio of 7 to 1, feel the country already is suffering from overpopulation, according to a 1992 Roper poll. Since 1976, the majority of Americans have told pollsters they wanted immigration reduced. Two-thirds now say cut or halt further in-migration, while one-third want ALL immigration stopped.

But the Congress in 1994 is continuing its two-decade program of massive immigration-induced growth, adding at least 150-160 million more people to U.S. communities over the next 56 years.

Increased Congestion A Creation of Congress

Many commentators have come to accept as inevitable the relentless growth of U.S. population and the populace's attendant need for frenetic adaptations. But the scenario of an ever-more-densely-inhabited America is solely a creation of Congress. Because Americans long have had replacement-level fertility, Congress could set the nation on the road to stabilization tomorrow with the simple passage of a single immigration bill with low enough numbers.

As of July 15, THE SOCIAL CONTRACT found members of Congress divided into three main groups based on their approach to the government's population-growth policies:

- **(1) Full guardians of population growth:** 317 Representatives and 80 Senators have not signed onto any legislation that would significantly curb rapid population growth. Some are assertive pushers of the growth; most allow the growth through their inaction, often unaware of the population sprawl they are creating.
- **(2) Guardians of population growth, slightly reduced:** 26 Representatives and 15 Senators have signed onto bills that would halt most illegal immigration but which would protect most legal immigration and most projected population growth. (Illegal aliens account for only about a quarter of all permanently-settling immigrants.)
- **(3) Supporters of stabilization:** 92 Representatives and 5 Senators have signed onto immigration-reduction bills that would greatly slow U.S. population growth and allow stabilization only late in the next century.

Each lawmaker is placed on one of the five scenario charts accompanying this article. Placement is based on the legislator's current action on immigration numbers. The population growth

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Scenario A1: A Future of Unending and Increasing Congestion

150-160 million more Americans (1994-2050)

1st-Tier Guardians of Rapid Population Growth

(Immigration Allowed at Quadruple Historic Level)

AL
Sen. Heflin (D)
5. Cramer (D)
7. Hilliard (D)

AK
Sen. Murkowski (R)
Sen. Stevens (R)

AZ
Sen. DeConcini (D)
Sen. McCain (R)
1. Coppersmith (D)
2. Pastor (D)
4. Kyl (R)
5. Kolbe (R)
6. English (D)

AR
* Sen. Bumpers (D)
Sen. Pryor (D)
1. Lambert (D)
2. Thornton (D)
3. Hutchinson (R)
4. Dickey (R)

CA
Sen. Boxer (D)
1. Hamburg (D)
3. Fazio (D)
5. Matsui (D)
6. Woolsey (D)
7. Miller (D)
8. Pelosi (D)
9. Dellums (D)
12. Lantos (D)
13. Stark (D)
14. Eshoo (D)
15. Mineta (D)
16. Edwards (D)
17. Farr (D)
18. Condit (D)
20. Dooley (D)
22. Huffington (R)
26. Berman (D)
* 28. Dreier (R)
29. Waxman (D)
30. Becerra (D)
31. Martinez (D)
32. Dixon (D)
33. Roybal-Allard (D)
34. Torres (D)
35. Waters (D)
36. Harman (D)
37. Tucker (D)
38. Horn (R)
* 40. Lewis (R)
42. Brown (D)
49. Schenk (D)
50. Filner (D)

CO
Sen. Campbell (D)
1. Schroeder (D)
2. Skaggs (D)
3. McInnis (R)
4. Allard (R)

CT
Sen. Dodd (D)
Sen. Lieberman (D)
1. Kennelly (D)
2. Gejdenson (D)
3. DeLauro (D)
5. Franks (R)
6. Johnson (R)

DE
Sen. Biden (D)
1. Castle (R)

FL
Sen. Graham (D)
Sen. Mack (R)
2. Peterson (D)
3. Brown (D)
4. Fowler (R)
5. Thurman (D)
7. Mica (R)
* 9. Bilirakas (R)
* 10. Young (R)
11. Gibbons (D)
15. Bacchus (D)
17. Meek (D)
18. Ros-Lehtinen (R)
19. Johnston (D)
20. Deutsch (D)
21. Diaz-Balart (R)
23. Hastings (D)

GA
Sen. Nunn (D)
Sen. Coverdell (R)
2. Bishop (D)
5. Lewis (D)
10. Johnson (D)
11. McKinney (D)

(Continued)

Identifying Characteristics

Everyone on this list meets BOTH of these criteria:

- They currently do not support any legislation that would reduce the level of legal immigration, which is the key element in present U.S. population growth.
- They either don't support legislation to crack down on illegal aliens, or the bills they do back fail to address the causes of illegal settlement in a comprehensive way.

The U.S. senators and representatives on this list actively push — or passively allow — federal policies that force the country to have to try to accommodate nearly 3 million additional people a year. Long after 2050, if these lawmakers persist, America will continue to grow toward India's population size. (*All scenarios are based on a continuation of U.S. fertility and mortality rates. This scenario likely understates future population growth because it assumes that legal and illegal immigration numbers will not keep climbing as they have for years.*)

Estimated Population Growth 1994-2050: 150-160 million.
Total estimated annual immigration: 1.3 million (1 million legal; 300,000 illegal).

numbers with each scenario are projections based on what would happen if a majority in Congress agreed with the immigration levels of that scenario.

Charts Measure Population Results, Not Intentions

The 445 lawmakers on the "Guardians of Growth"

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1st-Tier Guardians of Rapid Population Growth
(continued)

HI
Sen. Akaka (D)
Sen. Inouye (D)
1. Avercrombie (D)
2. Mink (D)

ID
Sen. Kempthorne (R)
1. LaRocco (D)
2. Crapo (R)

IL
Sen. Moseley-Braun (D)
Sen. Simon (D)
1. Rush (D)
2. Reynolds (D)
3. Lipinski (D)
4. Gutierrez (D)
5. Rostenkowski (D)
6. Hyde (R)
7. Collins (D)
9. Yates (D)
10. Porter (R)
11. Sangmeister (D)
12. Costello (D)
13. Fawell (R)
15. Ewing (R)
16. Manzullo (D)
17. Evans (D)
18. Michel (R)
19. Poshard (D)
20. Durbin (D)

IN
Sen. Coats (R)
Sen. Lugar (R)
1. Visclosky (D)
2. Sharp (D)
3. Roemer (D)
* 4. Long (D)
8. McCloskey (D)
9. Hamilton (D)
10. Jacobs (D)

IO
Sen. Harkin (D)
1. Leach (R)
2. Nussle (R)
4. Smith (D)
5. Grandy (R)

KA
2. Slattery (D)
4. Glickman (D)

KY
Sen. Ford (D)
Sen. McConnell (R)
1. Barlow (D)
3. Mazzoli (D)
6. Baesler (D)

LA
Sen. Breaux (D)
Sen. Johnston (D)
1. Livingston (R)
2. Jefferson (D)
4. Fields (D)
5. McCrery (R)

ME
Sen. Mitchell (D)
Sen. Cohen (R)
1. Andrews (D)
2. Snowe (R)

MD
Sen. Mikulski (D)
Sen. Sarbanes (D)
* 2. Bentley (R)
3. Cardin (D)
4. Wynn (D)
5. Hoyer (D)
7. Mfume (D)
8. Morella (R)

MA
Sen. Kennedy (D)
Sen. Kerry (D)
1. Olver (D)
2. Neal (D)
3. Blute (R)
4. Frank (D)
5. Meehan (D)
6. Torkildsen (R)
7. Markey (D)
8. Kennedy (D)
9. Moakley (D)
10. Studds (D)

MI
Sen. Levin (D)
Sen. Riegle (D)
1. Stupak (D)
2. Hoekstra (R)
3. Ehlers (R)
5. Barcia (D)
6. Upton (R)
7. Smith (R)
8. Carr (D)
9. Kildee (D)
10. Bonior (D)
11. Knollenberg (R)
12. Levin (D)
13. Ford (D)
14. Conyers (D)
15. Collins (D)
16. Dingell (D)

MN
Sen. Wellstone (D)
Sen. Durenberger(R)
1. Penny (D)
2. Minge (D)
3. Ramstad (R)
4. Vento (D)
5. Sabo (D)
6. Grams (R)
7. Peterson (D)
8. Oberstar (D)

MS
Sen. Cochran (R)
2. Thompson (D)

MO
Sen. Danforth (R)
1. Clay (D)
2. Talent (R)
3. Gephardt (D)
4. Skelton (D)
5. Wheat (D)
6. Danner (D)

MT
Sen. Baucus (D)
1. Williams (D)

NE
Sen. Kerrey (D)
1. Bereuter (R)
* 2. Hoagland (D)
3. Barrett (R)

NV
Sen. Bryan (D)

NH
* Sen. Smith (R)

NJ
Sen. Bradley (D)
Sen. Lautenberg (D)
1. Andrews (D)
2. Hughes (D)
4. Smith (R)
6. Pallone (D)
7. Franks (R)
8. Klein (D)
9. Torricelli (D)
10. Payne (D)
11. Gallo (R)
12. Zimmer (R)
13. Menendez (D)

NM
Sen. Bingaman (D)
Sen. Domenici (R)
1. Schiff (R)
3. Richardson (D)

(Continued)

KEY

Bold Type	=	Names in bold face are members of Congress who in 1990 forced additional population growth. They voted for the 1990 act that increased legal admissions by at least 30%.
*	=	Members who opposed more rapid growth in 1990 by voting AGAINST the immigration act.
(D)	=	Democrat
(R)	=	Republican
Sen.	=	Senator
3.	=	Numbers denote the congressional district represented by members of the U.S. House.

charts are there for a great variety of reasons:

- Some actively press for the doubling of the U.S. population density over the next several decades. They extol the social and economic dynamism they say accompanies rapid demographic change.
- Most, though, not only don't advocate such

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1st-Tier Guardians of Rapid Population Growth
(continued)

NY
Sen. Moynihan (D)
1. Hochbrueckner (D)
2. Lazio (R)
3. King (R)
5. Ackerman (D)
6. Flake (D)
7. Manton (D)
8. Nadler (D)
9. Schumer (D)
10. Towns (D)
11. Owens (D)
12. Velazquez (D)
14. Maloney (D)
15. Rangel (D)
16. Serrano (D)
17. Engel (D)
18. Lowey (D)
21. McNulty (D)
23. Boehlert (R)
24. McHugh (R)
25. Walsh (R)
26. Hinchey (D)
28. Slaughter (D)
29. LaFalce (D)
30. Quinn (R)
31. Houghton (R)

NC
Sen. Faircloth (R)
* Sen. Helms (R)
1. Clayton (D)
* 3. Lancaster (D)
4. Price (D)
* 5. Neal (D)
6. Coble (R)
7. Rose (D)
8. Hefner (D)
9. McMillan (R)
12. Watt (D)

ND
Sen. Conrad (D)
Sen. Dorgan (D)
1. Pomeroy (D)

OH
Sen. Glenn (D)
Sen. Metzenbaum (D)
1. Mann (D)
2. Portman (R)
3. Hall (D)
4. Oxley (R)
5. Gillmor (R)
6. Strickland (D)
7. Hobson (R)
8. Boehner (R)
9. Kaptur (D)
10. Hoke (D)
11. Stokes (D)
12. Kasich (R)
13. Brown (D)
14. Sawyer (D)
15. Pryce (R)
* 16. Regula (R)
* 18. Applegate (D)
19. Fingerhut (D)

OK
Sen. Boren (D)
Sen. Nickles (R)
2. Synar (D)
* 4. McCurdy (D)
5. Istook (R)

OR
Sen. Hatfield (R)
Sen. Packwood (R)
1. Furse (D)
* 2. Smith (R)
3. Wyden (D)
5. Kopetski (D)

PA
Sen. Wofford (D)
Sen. Specter (R)
1. Foglietta (D)
2. Blackwell (D)
3. Borski (D)
4. Klink (D)
5. Clinger (R)
* 9. Shuster (R)
11. Kanjorski (D)
12. Murtha (D)
13. Margolies-Mezvinsky (D)
14. Coyne (D)
15. McHale (D)
16. Walker (R)
17. Gekas (R)
18. Santorum (R)
* 19. Goodling (R)
20. Murphy (D)
* 21. Ridge (R)

RI
Sen. Pell (D)
Sen. Chafee (R)
1. Machtley (R)
2. Reed (D)

SC
Sen. Hollings (D)
1. Ravenel (R)
3. Derrick (D)
4. Inglis (R)
5. Spratt (D)
6. Clyburn (D)

SD
Sen. Daschle (D)
1. Johnson (D)

TN
Sen. Mathews (D)
Sen. Sasser (D)
* 3. Lloyd (D)
* 4. Cooper (D)
* 5. Clement (D)
* 6. Gordon (D)
* 7. Sundquist (R)
9. Ford (D)

TX
Sen. Gramm (R)
* 1. Chapman (D)
* 5. Bryant (D)
9. Brooks (D)
10. Pickle (D)
11. Edwards (D)
* 13. Sarpalius (D)
* 14. Laughlin (D)
15. de la Garza (D)
16. Coleman (D)
18. Washington (D)
20. Gonzalez (D)
23. Bonilla (R)
24. Frost (D)
* 25. Andrews (D)
26. Armey (R)
27. Ortiz (D)
28. Tejeda (D)
29. Green (D)
30. Johnson, E.B. (D)

UT
Sen. Bennett (R)
* Sen. Hatch (R)
2. Shepherd (D)
3. Orton (D)

VT
Sen. Leahy (D)
Sen. Jeffords (R)
1. Sanders (I)

VA
Sen. Robb (D)
Sen. Warner (R)
1. Bateman (R)
2. Pickett (D)
3. Scott (D)
4. Sisisky (D)
5. Payne (D)
7. Bliley (R)
9. Boucher (D)
10. Wolf (R)

WA
Sen. Murray (D)
Sen. Gorton (R)
1. Cantwell (D)
2. Swift (D)
3. Unsoeld (D)
4. Inslee (D)
5. Foley (D)
6. Dicks (D)
7. McDermott (D)
9. Kreidler (D)

WV
Sen. Rockefeller (D)
1. Mollohan (D)
* 2. Wise (D)
3. Rahall (D)

WI
Sen. Feingold (D)
Sen. Kohl (D)
1. Barca (D)
2. Klug (R)
3. Gunderson (R)
4. Kleczka (D)
5. Barrett (D)
7. Obey (D)
* 8. Roth (R)

WY
Sen. Wallop (R)
1. Thomas (R)

growth but are not particularly aware of the American future their immigration stance is helping to create. They have concentrated on satisfying various immigration constituencies without considering the long-term effects on the environment and on the American lifestyle of personal freedoms which require lower-density population. Their status as guardians of growth is not necessarily static. One would suspect that, as the immigration debate unfolds, many of these members would take actions that would move them onto lists supporting different scenarios. THE SOCIAL CONTRACT will provide readers with updates of these shifts.

• No doubt some lawmakers may protest their inclusion on the pro-growth lists, noting that they have a stellar environmental record and that they have no intention of exacerbating pollution and bio-diversity problems by doubling the U.S. population.

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Scenario A2: A Future of Unending and Increasing Congestion

125-135 million more Americans (1994-2050)

2nd-Tier Guardians of Rapid Population Growth

(But Major Reduction in Illegal Entry & Asylum Abuse)

CA
Sen. Feinstein (D)
* 2. Herger (R)
10. Baker (R)
11. Pombo (R)
* 23. Gallegly (R)
41. Kim (R)
45. **Rohrabacher (R)**
51. Cunningham(R)

CT
4. Shays (R)

FL
8. **McCollum (R)**
12. Canady (R)
13. Miller (R)
* 16. Lewis (R)
* 22. Shaw (R)

GA
6. Gingrich (R)

IN
6. Burton (R)

KA
* 3. Meyers (R)

MS
Cochran (R)

NJ
5. Roukema (R)

NY
4. Levy (R)
13. **Molinari (R)**
19. **Fish (R)**
20. **Gilman (R)**

NC
10. **Ballenger (R)**

PA
8. Greenwood (R)

TX
Sen. Hutchison (R)
3. Johnson, Sam (R)
21. **Smith (R)**
22. DeLay (R)

Identifying characteristics

Everyone on this list has co-sponsored ONE of the following bills. (These bills are backed by an additional 23 whose names appear elsewhere based on more restrictive bills they also have co-sponsored.)

- **S-2197 (Sen. Feinstein, D-Calif.)** Illegal Immigration Control and Enforcement Act of 1994.
- **S-2105 (Sen. Hutchison, R-Tex.)** Illegal Immigration Control Act of 1994.
- **HR-3860 (Smith, R-Tex.)** Illegal Immigration Control Act of 1994.

Although showing no interest in the effect of legal immigration on U.S. congestion and environmental problems, members on this list have backed comprehensive legislation that would attack vigorously nearly all of the aspects of illegal entries and illegal overstays by foreign citizens. And they might reduce by as much as 100,000 the asylum applicants who are allowed to stay legally and indefinitely while waiting for asylum hearings that seldom occur. If successful, though, these lawmakers' efforts still would leave Americans to contend with more than 80 percent of the rampant growth that would occur if current conditions were allowed to continue unimpeded.

Estimated population growth 1994-2050: 125-135 million.
Total estimated annual immigration: 1 million (900,000 legal; 100,000 illegal).

But these charts gauge results, not intentions. And the result of members' decisions not to endorse immigration reduction would mean the doubling of the population by late next century, regardless of how high a rating they receive from the League of Conservation Voters.

• Ironically, some of the "Guardians of Growth" members of Congress have been in the forefront of advocacy for family planning and are champions of the idea of population stabilization. But the immigration policy they either support or allow leaves them with the net result of creating very rapid growth.

These scenarios are not subjective sociological guesses. They are the rather simple mathematical and logical results of each member's current stance. Members of Congress have been on notice about the consequences for population growth of their immigration policies since the wide reporting of the 1990 Census findings. Over the last year, they have had the opportunity to choose among a variety of pieces of legislation that offer options on how to modify immigration admissions. Members who desire

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Scenario A3: A Future of Unending and Increasing Congestion

120-130 million more Americans (1994-2050)

3rd-Tier Guardians of Rapid Population Growth

(Temporary Cut in Legal Immigration; Aggressive Attack on Illegal)

IO Sen. **Grassley (R)**	MS * Sen. Lott (R)	MT Sen. **Burns (R)**	NY Sen. **D'Amato (R)**	SD Sen. **Pressler (R)**
KA Sen. **Dole (R)** Sen. **Kassebaum (R)**	MO Sen. **Bond (R)**	NH Sen. Gregg (R)	SC Sen. **Thurmond (D)**	WV * Sen. Byrd (D)
				WY Sen. **Simpson (R)**

Identifying characteristics

Members on this list have co-sponsored the following bill.

- **S-1884 (Sen. Simpson, R-Wyo.)** Comprehensive Immigration and Asylum Reform Act of 1994.

These senators see a need to reduce not just illegal immigration but legal as well. Their proposal to do so, though, fails to cut numbers back to even the average annual level during the Great Wave at the turn of the century, and the cut is for only five years. The results of their concern are little different from scenarios proposed by members who see no problem from population expansion due to legal immigration.

Estimated population growth 1994-2050: 120-130 million.
Total estimated annual immigration: 580,000 legal for five years, 900,000 legal thereafter (plus 100,000 illegal).

population stabilization but who don't like the details of controlling immigration as contained in existing bills have been free to offer their own "environmental protection and population stabilization acts." The bills listed in the "Supporters of Stabilization" charts are the only ones, thus far.

Because the leadership of both parties has blocked serious hearings and votes on whether to continue the federal population-growth program, the primary method for rank-and-file lawmakers to raise the issue has been through co-sponsorships of bills.

These bills or similar ones yet to be proposed would allow Americans to begin to reap the fruit of their individual decisions for replacement-level fertility the last two decades. If the nation's demographic future had rested on the fertility choices of American women since the first Earth Day in 1970, U.S. population never would have gone as high as it already is today. Americans in the 1990s would be living in a culture:

- without the perpetual conversion of farmland and natural habitat into suburban streets, housing tracts, malls and parking lots;
- without the draining of wetlands and destruction of other eco-systems to replace the farmland and to make room for more urban sprawl;
- without the accelerating tensions between the needs of wildlife and humans for open spaces and the needs of business to provide jobs and goods for a larger population;
- and without the ever-increasing congestion in our schools, streets, roads, parks, waterways and beaches and ever-expanding government regulation of individual activities to control their frictions in continually more dense habitation.

Methodology of this Report

The current number for annual permanently-settling illegal aliens (300,000) comes from the Census Bureau. It is widely believed to be a conservative estimate. Scenarios

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Scenario B1: An End to Additional Congestion in Mid-21st Century

50-70 million more

1st-Tier Supporters of Population Stabilization

(Declining Immigration, After Three-fourths Cut)

AL
1. Callahan (R)
2. Everett (R)
* 3. Browder (D)
6. Bachus (R)

AK
* 1. Young (R)

AZ
* 3. Stump (R)

CA
4. Doolittle (R)
25. McKeon (R)
43. Calvert (R)
* 44. McCandless (R)
* 47. Cox (R)
* 48. Packard (R)
52. Hunter (R)

CO
* 5. Hefley (R)
* 6. Schaefer (R)

FL
* 1. Hutto (D)
* 6. Stearns (R)
* 14. Goss (R)

GA
1. Kingston (R)
3. Collins (R)
4. Linder (R)
7. **Darden (D)**
* 8. Rowland (D)
9. Deal (D)
10. Johnson (D)

IL
* 8. Crane (R)
* 14. Hastert (R)

IN
5. Buyer (R)
* 7. Myers (R)

IO
3. Lightfoot (R)

KA
1. Roberts (R)

KY
2. Lewis (R)
* 4. Bunning (R)
* 5. Rogers (R)

LA
* 3. Tauzin (D)
6. Baker (R)
* 7. Hayes (D)

MD
1. Gilchrest (R)
6. Bartlett (R)

MI
4. Camp (R)

MS
* 3. Montgomery (D)
* 4. Parker (D)
* 5. Taylor (D)

MO
* 7. Hancock (R)
* 8. Emerson (R)
* 9. Volkmer (D)

NV
2. Vulcanovich (R)

NH
1. Zeliff (R)
2. Swett (D)

NJ
3. **Saxton (R)**

NM
2. **Skeen (R)**

NY
22. **Solomon (R)**
27. **Paxon (R)**

NC
* 2. Valentine (D)
6. **Coble (R)**
11. Taylor (R)

OH
12. **Kasich (R)**
* 17. Traficant (D)

OK
* 1. Inhofe (R)
3. Brewster (D)

OR
* 2. Smith (R)

PA
10. McDade (R)

SC
* 2. Spence (R)

TN
1. Quillen (R)
* 2. Duncan (R)
* 8. Tanner (D)

TX
2. **Wilson (D)**
* 4. Hall (D)
6. **Barton (R)**
* 8. Fields (R)
* 17. Stenholm (D)
* 19. Combest (R)

UT
* 1. Hansen (R)

WA
8. Dunn (R)

WI
* 9. Sensebrenner (R)

WY
1. Thomas (R)

Identifying characteristics

Members on this list have co-sponsored the following bill:

- **HR-3862 (Stump, R-Ariz.)** Immigration Moratorium Act of 1994.

Even under this most restrictive immigration bill currently proposed in Congress, no American now over the age of 40 is likely to live to see a stabilized population, because of the population momentum from immigrants brought here the past 30 years. But the actions of the U.S. representatives on this list would lead to an America of much slower population growth than during the past four decades. Governments would have to contend with far fewer needs for expanding highways, sewers, schools and other infrastructure and services while devoting more time to maintaining and improving existing infrastructure and institutions.

The proposed starting level of legal immigration, around 235,000, is set high enough to continue to allow unlimited numbers of spouses and minor children of immigrants who become citizens. That level still is above the annual average during the mid-1800s when immigration was used to settle an open Western frontier during the continental expansion. As far fewer immigrants in other categories are allowed to split up their families to come to America, the number of later entries under the family reunification classification and total immigration will fall, probably to well under 100,000 a year.

Estimated population growth 1994-2050: 50-70 million.
Total estimated annual immigration: 235,000, declining to perhaps as low as 50,000 by 2050 (plus 100,000 illegal).

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Scenario B2: A Future of Unending and Increasing Congestion

90-100 million more

2nd-Tier Supporters of Population Stabilization

(Two-thirds Cut in Immigration to Near Traditional Level)

AL
Sen. **Shelby (D)**

CA
19. **Lehman (D)**
* 21. Thomas (R)
* 24. Beilenson (D)
* 27. Moorhead (R)
39. Royce (R)
* 46. Dornan (R)

DE
Sen Roth (R)

ID
Sen. Craig (R)

NE
*Sen. Exon (D)

NV
Sen. **Reid (D)**
1. **Bilbray (D)**

OR
4. DeFazio (D)

PA
6. Holden (D)
7. **Weldon (R)**

TX
* 7. Archer (R)
*12. Geren (D)

VA
6. Goodlatte (R)
8. Moran (D)
11. Byrne (D)

WI
* 6. Petri (R)

Identifying characteristics

Members on this list have co-sponsored ONE of the following bills. (An additional 13 lawmakers have signed onto the Bilbray Bill and are listed under Scenario B1 because they also have co-sponsored the Stump Bill which would bring stabilization more quickly.)

- **S-1923 (Sen. Reid, D-Nev.)** Immigration Stabilization Act of 1994.
- **HR-332 (Bilbray, D-Nev.)** Immigration Stabilization Act of 1993.
- **(Archer, R-Tex.,** number and title pending).

These members are pushing actions to cut in half the population growth that current policies would create by 2050. The leaders on this list, however, step back from the opportunity to stabilize U.S. population by the middle of the next century because they don't want to cut immigration to below its traditional average. (From the beginning of recordkeeping in 1820 to the massive overhaul of immigration law in 1965, average annual immigration was 297,000.)

Estimated population growth 1994-2050: 90-100 million.
Total estimated annual immigration: 325,000 to 350,000 (plus 100,000 illegal).

for the various congressional bills are based on the assumption that efforts will be very successful but that there is little chance illegal numbers can be cut much below 100,000 annually. Apparently at least that number of babies is born each year to illegal aliens and is given citizenship.

The current number for legal immigration (1 million) is based on a recent report by the Center for Immigration Studies that counted 972,000 legal admissions in 1993, and adds an estimated 3 percent growth for 1994. Growth was 10 percent in 1993. Projections are conservatively based on the rather unlikely assumption that legal immigration will not continue to grow even if it is not checked by legislation.

The range of projected growth under each scenario was determined after establishing a range of **net** in-migration under each. This was computed by assuming 100,000 to 200,000 annual out-migration for scenarios with high gross in-migration, and an out-migration of 200,000 declining to 50,000 for scenarios with low gross in-migration, on the likelihood that most Americans permanently leaving the country originally were immigrants.

With the help of a demographer, the net annual immigration range under each scenario was placed in relationship with the net immigration figures used in three separate U.S. Census Bureau projections and in three others by Leon Bouvier, retired vice president of the Population Reference Bureau. Projection ranges were extrapolated from those comparisons. ■

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European Immigration Reform: A Model for the United States?

By Rosemary Jenks

Western Europe has been plagued with economic recession, growing unemployment, particularly among immigrants,[1] and rising public service expenditures in recent years. It has also been faced with unprecedented immigration pressures — tens of thousands of Eastern Europeans seeking jobs and better living standards, and millions from the former Yugoslavia and Soviet Republics forced from their homes by ethnic strife have added to the already-significant stream of North Africans, Middle Easterners, Asians and others pouring into Western Europe. These pressures, along with an increasingly dissatisfied public, have prompted a wide range of immigration reform measures throughout Europe. This is particularly true in the member states of the European Union (EU), whose vision of a unified Europe requires that external borders of the EU be tightly regulated so that internal national borders can be abolished.

The United States is facing many of the same problems as Europe — unparalleled levels of immigration, a sluggish economy, high unemployment, rising taxes, and skyrocketing public service outlays. The main difference, however, is that the United States' perception of the historical role of immigration is vastly different than that of Europe.

European identity is tied strongly to national culture. The United States, in contrast, has always characterized itself as a nation of immigrants. Americans take great pride in our generous tradition of accepting legal immigrants and providing safe haven to those facing persecution at home. The true nature of this tradition, however, has been distorted in recent years by some politicians and special interest groups who have sought to make some of the excesses of current immigration policy sacrosanct. While these politicians and advocacy groups quote Emma Lazarus and hurl accusations of nativism, racism and xenophobia to stifle political debate, mass immigration continues to contribute to the United States' economic, environmental and social problems, creating a public reaction that is increasingly critical of Congressional inaction and skeptical of cornucopian rhetoric.

As a result of this public pressure, a wide variety of immigration reform measures — ranging from a major reduction of legal immigration levels to accelerated asylum determinations to tougher border controls — have been introduced in the U.S. Congress over the past year. Instead of encouraging an objective evaluation of the problems of, or solutions to, mass immigration, the political debate spurred by these proposals continues to be characterized by emotionalism and inaction. The fact that Western European countries have already implemented and tested most of the U.S. proposals — along with a variety of other reform measures — is ignored in this debate. It seems only logical, though, that an evaluation of the effectiveness of the European measures would lend valuable insight into potential reform efforts in our country.

Legal Immigration

Immigration to Western Europe, like that to the United States, takes three main forms: 1) legal, including family- and employment-based immigration; 2) humanitarian, including asylum seekers and/or refugees; and 3) illegal.

Employment-based immigration traditionally has been the central focus of European immigration policies. The industrial boom across Western Europe after World War II created a need for large numbers

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of unskilled workers. European governments sought to fill this need by creating a "guest worker" system, under which foreign workers were granted temporary work and residence permits. These workers were expected to return to their countries of origin when they were no longer needed. The 1973 oil crisis and a subsequent ban on foreign workers across Western Europe, however, proved that "there is nothing more permanent than a temporary worker."[2] Not only did these workers remain, they demanded that their families be allowed to join them, thus forcing European governments to set up family reunification programs.

Despite the general ban on foreign workers since 1973-74, most Western European countries have continued to allow employment-based immigration on a much smaller scale. As unemployment has risen and the current recession deepened, though, many European governments have tightened the regulation of foreign workers. Local and regional authorities are being brought into the regulation process, either through consultations with federal governments to establish annual quotas for foreign workers, or by being delegated the authority to approve or deny work permits based on local labor conditions.

In mid-June 1994, because of double-digit unemployment rates, EU member states agreed to further tighten restrictions on foreign workers. Their formal resolution states that, "Member states will consider requests for admission to their territories for the purpose of employment only where vacancies ... cannot be filled by national and [EU] manpower or by non-[EU] manpower lawfully resident on a permanent basis." Moreover, they agreed that permission to work in the EU should be granted only on a temporary basis.[3]

Since the general ban on foreign workers, family reunification has become the main source of legal immigration to most Western European countries, as it is in the United States. In Europe, however, family reunification is generally limited to spouses and minor children of citizens and legal residents. Other family members, including parents, are admitted only under special circumstances, e.g., if they are dependent upon the sponsor in the country of destination and there are no other family members to provide for them in the country of origin.

As the number of family members wishing to immigrate and the related public service costs have grown over recent years, some European countries have established stricter criteria to be met by the sponsor before family reunification is permitted. For example, Austria, France and the Netherlands now require that the sponsor has lived in the country legally for a designated period of time (ranging from two to seven years) and has adequate income (excluding any welfare benefits) and housing to provide for the immigrant family member(s). In other countries, such as Belgium and Denmark, the sponsor must meet a minimum monthly salary requirement based on the cost of living (not on the poverty level, as is the case in the United States) and the number of dependents seeking reunification. These measures serve to reduce both the number of applicants for family reunification and the public service costs associated with them. Denmark, which introduced the income requirement in 1992, estimates that the measure has reduced the number of family-based immigrants by 50 percent.

Humanitarian Immigration

European countries do not have large-scale refugee programs comparable to that of the United States, so the vast majority of humanitarian immigrants are asylum seekers. As in the United States, the number of asylum seekers has exploded in recent years. Applications for asylum in EU member states alone jumped from about 140,000 in 1987 to almost 560,000 in 1992, with Germany receiving close to 80 percent (438,191) of the 1992 total. Application approval rates, on the other hand, hover around five percent in most EU countries.[4]

On July 17, 1993, the *Washington Times* reported that "all European countries have recently toughened their asylum laws."[5] Although this is an exaggeration, it is not far off the mark. European governments have reacted more rapidly to the increase in asylum claims than has the United States. All EU member states except Greece, Ireland and Luxembourg have overhauled their asylum policies in the past two years, as have numerous non-EU countries such as Austria and Sweden.

The primary objectives of European asylum reform efforts are to shorten the decision-making process and find humane ways to ensure that asylum seekers whose claims are rejected are returned to the country of origin, thereby reducing the number of economic migrants seeking to use the asylum system

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to gain residence. They have found a variety of ways to shorten the decision-making process. The first, and most obvious, is to provide the responsible government agency with adequate personnel and other resources to examine the increased number of applications. A $20 million 1990 investment in personnel and computer equipment enabled the French asylum office to reduce processing time from up to five years to an average of two months, and to reduce the backlog of applications from 50,000 in 1990 to 15,000 in 1991.[6] Similarly, the July 1993 German asylum law authorized additional personnel and administrative resources that allowed the Federal Office for the Recognition of Refugees to more than double the number of asylum decisions made in a six-month period — 267,791 cases were decided in the second half of 1993, compared to the 110,018 cases that were decided in the second half of 1992.[7]

Austria, France, Germany, the Netherlands, Sweden, Switzerland and the United Kingdom, among others, have all established expedited asylum procedures for certain applicants whose claims are considered "manifestly unfounded." These include asylum seekers who arrive without documents, those whose country of origin is considered generally free of persecution, and those who travel through a "safe third country" (i.e., one in which persecution is judged not to exist and in which the applicant could have sought protection) en route to the country in which they are requesting asylum. Lists of safe countries, which are determined at the national level, generally include Eastern European countries, such as Poland, Romania, Bulgaria, the Czech Republic and Slovakia (from which the bulk of asylum seekers enter Western Europe), all of Western Europe and North America, and certain other countries, such as Ghana, Senegal and Zambia, from which large numbers of rejected asylum seekers originate.

Expedited asylum procedures vary from country to country, but they generally include a specific time period in which the initial decision must be reached, a reduction in the number of appeals and/or the time allowed for filing an appeal, and, in many cases, provisions allowing for the expulsion of rejected asylum seekers before the final appeal is decided. In Germany, for example, an asylum seeker arriving from another EU member state would be refused entry at the border or immediately expelled if found in the interior. The alien would have a right to appeal the decision, but only after he or she had left Germany. On the other hand, an asylum seeker arriving from a non-EU safe country (and Germany has determined all bordering countries to be safe) would be presumed to have a manifestly unfounded claim. This alien would be processed in the expedited system and then immediately returned to the safe country from which he or she arrived. These new provisions, which took effect in July 1993, have reduced the number of new asylum applications by more than 50 percent — from an average of over 37,000 per month in the first half of 1993, to about 17,000 per month in the latter half.[8]

"European governments have taken steps to prevent asylum seekers from disappearing into society...and to prevent welfare abuse."

European governments have also taken steps to prevent asylum seekers from disappearing into society either before a decision is reached or once an application is rejected, and to prevent abuse of the welfare system. Most Western European countries have computerized alien registration systems into which personal data on asylum seekers and legally-resident aliens are entered. These data are usually shared with public welfare agencies and the police so that the residence status of foreign welfare applicants and suspected criminals can be verified quickly.

EU immigration ministers in 1992 agreed to the creation of an EU-wide automated fingerprint system for asylum seekers so that authorities in each member state have access to asylum data from all other member states. The purpose of this is to prevent asylum seekers who have been rejected in one member state from applying for asylum in another member state. This system, called EURODAC, is still in the planning stage.

In the meantime, many countries, including Austria, Belgium, Denmark, Germany, Switzerland and the United Kingdom have created national automated fingerprint identification systems to prevent aliens from filing multiple asylum or welfare claims under different names. The German fingerprint system, in its first six months of operation, identified 17,182 aliens who had filed

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more than one asylum claim in Germany. The Belgian system has reduced the proportion of duplicate asylum applications found from 13 percent in September 1993 to three percent in March 1994. A 1993 experiment between the Swiss and Austrian governments, in which the Swiss randomly selected 100,000 asylum seekers' fingerprint records to compare with Austrian fingerprint records, found that more than ten percent of the asylum seekers had filed duplicate applications.

In addition to registration and identification systems, many European countries require asylum seekers to reside in government-run "reception" centers until a decision is reached on the application. Asylum seekers are generally not granted permission to work until their application is approved, although some countries make exceptions (e.g., if the application has been declared admissible, but is not yet approved; or if the final decision cannot be made for an extended period of time). The asylum claimants are provided with assistance in kind, including housing, food, medical care and language classes. Rejected asylum seekers are also kept at these centers pending deportation, as there is probability that they will try to disappear to avoid deportation.

"...many European countries require asylum seekers to reside in government-run 'reception' centers until a decision is reached on the application."

European governments have placed heavy emphasis on international cooperation to ensure the deportation of rejected asylum seekers. A number of individual European countries, as well as the EU as a whole, have signed "readmission agreements" with neighboring countries, such as Poland, Romania, Bulgaria and Morocco, from which significant numbers of ineligible asylum seekers and illegal aliens come. These agreements allow each signatory to return rejected asylum seekers and illegal immigrants to the territory of the other signatory if the alien entered from that country. For example, Germany has signed readmission agreements with Poland, Romania and Bulgaria, which allow Germany to return rejected asylum seekers and illegal border crossers who entered Germany from one of these countries. In exchange, Germany is providing each country with significant financial aid to assist in providing for these returnees and to enhance border control measures. Thus far, the system appears to be working fairly well, despite initial fears that the Eastern European countries would be unable to cope with the returnees.

The EU has its own version of an intra-Community readmission agreement — the Dublin Convention. The Dublin Convention determines which EU member state is responsible for processing an asylum claim filed in the EU, and it gives other member states the right to deport an asylum seeker to the responsible country. The Convention has not yet entered into force because, although it has been signed by all 12 EU member states, only half of them have ratified it.

Illegal Immigration

Illegal immigration is of increasing concern in Western Europe, as it is in the United States. Until recently, asylum seekers who were rejected but managed to avoid deportation comprised the bulk of illegal immigrants. The tightening of asylum policies throughout Europe, however, has resulted in a growing number of aliens seeking to enter illegally. In response, European governments have allocated more resources to border control efforts and supplemented border patrols with military units. The July 1993 German asylum law, which provided for increased resources and equipment for the Border Police, resulted in a 45 percent decline in apprehensions of illegal entrants — 35,000 illegals were arrested in the first half of 1993, compared to 19,200 in the second half. (Germany has 4,400 Border Police patrolling just its eastern border, whereas the United States has about 4,000 Border Patrol agents for the entire country.)

Most European governments consider employer sanctions against hiring illegal aliens to be an integral component of national labor policy. Sanctions have been more effective in Europe than in the United States for three main reasons: 1) sanctions have been in force, in most cases, since the 1970s, so they have been fine-tuned and standardized to a greater degree; 2) sanctions are generally enforced by the labor department, rather than immigration authorities, as a routine part of labor inspections; and

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3) most European countries have a single, standard identification system to establish work eligibility. These systems include national identity cards, as in France; national population registries, as in Scandinavia; tamper-resistant social security cards for work authorization purposes, as in Germany; and national alien registries, as in the Netherlands. Welfare agencies and other public service offices are often linked to these systems to prevent welfare abuse and identify illegal aliens. Most countries with such systems have enacted legislation designed specifically to prevent unauthorized access to these systems, so there has been very little concern that civil rights or privacy are being violated.

Conclusion

The European immigration experience demonstrates that there is a plethora of measures that can be taken at the national level to control the various forms of immigration. The United States has, for at least the past year, been exploring some of these options, but it has, as yet, failed to grasp the magnitude of the problem. Migrants are not only attracted to industrialized countries by family relationships, job opportunities and public services — the "pull" factors. They are also forced from their home countries by overpopulation, poverty, unemployment, natural disaster, civil unrest and war — the "push" factors. Immigrant-receiving nations are able, *given the political will*, to control the pull factors through national legislation and effective enforcement. The push factors, however, require a different response.

One of the main differences between U.S. and European immigration reform efforts is the much higher degree of regional and international cooperation that exists in Europe. Regional institutions such as the European Union and the European Economic Area have provided forums for information exchange and cooperation on immigration matters. In fact, a main provision of European Union is the establishment of a European Information System — a computerized data base containing information on asylum seekers, legal residents, and others, which will be accessible to all member states. Readmission agreements are another form of international cooperation. They have served both to enhance cooperation between immigrant-sending and -receiving countries, and to increase targeted financial aid to sending countries, which, in turn, gives sending countries an incentive to cooperate on other migration matters.

European governments have recognized that it is not feasible to attempt to manage immigration solely from the national level. The United States must acknowledge this, as well, because immigration pressures will not fade until concerted international efforts, in addition to national ones, are made to address the root causes of migration. According to the United Nations Population Fund's *The State of World Population: 1993*, unless industrialized countries cooperate and assist the developing world in slowing population growth, stimulating economic expansion, and creating jobs, migration "could become the human crisis of our age."[9] ■

NOTES

[1] The unemployment rate among the immigrant population is two to three times higher than that among the native population in many Western European countries, including France, Germany, the Netherlands and Sweden. [Unless otherwise noted, statistics and other data on European immigration come from the European Information Network's *Migration News Sheet*, Nos. 118/93-01 through 135/94-06, January 1993-June 1994.]

[2] Friedrich Heckmann, "Is There a Migration Policy in Germany?" a paper presented at the European Forum for Migration Studies' Foundation Symposium in Bamberg, Germany, November 25-29, 1993.

[3] "EU Further Restricts Entry of Foreign Workers," Reuter News Service, June 19,1994.

[4] Although the approval rate for asylum status is very low, a significant number (up to 50 percent in some countries) of claimants are granted permission to remain on humanitarian grounds. As in the United States, only a very small proportion of rejected asylum seekers are actually deported. (Rosemary Jenks, Ed., *Immigration and Nationality Policies of Leading Migration Nations*, Washington, D.C.: Center for Immigration Studies, 1992.)

[5] "'Fortress Europe' Called Unrealistic," *The Washington Times*, July 17, 1993, p. A-1.

[6] Rosemary Jenks, Ed., op. cit., (France, p.5).

[7] Hailbronner, Kay, "Asylum Law Reform in the German Constitution," unpublished paper, 1994.

[8] Ibid.

[9] *The State of World Population: 1993*, New York: United Nations Population Fund, 1993.

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Ins and Outs of British Migration Policy

By D. A. Coleman

British immigration policy is simple. For twenty years or more it has been: "to reduce and keep new immigration to a small and inescapable minimum." In official language, the policy is intended:

(1) To allow genuine visitors and students to enter the United kingdom;

(2) To give effect to the free movement provisions of European Community law;

(3) Subject to the above, to restrict severely the numbers coming to live permanently or to work in this country, but to continue to admit spouses and minor children of those already settled here, provided they satisfy the requirements of the Immigration Rules; and

(4) To maintain an effective and efficient system for dealing with applicants for citizenship.[1]

This article briefly describes the development of that policy.

British Immigration Policy in Brief

On paper, the British is probably the most clear and unambiguous immigration policy in Western Europe. It has the reputation, not entirely deserved, of being the most strictly enforced and interpreted. It is important for transatlantic readers to understand that United Kingdom (UK) immigration policy is not to be understood in the U.S. context of policies to manage and prioritize immigration streams which in general are favored by the administration and by important sections of public opinion. In the UK, and more generally in Europe, immigration policy usually means keeping people out unless there is a clear reason for admitting them. Again unlike the U.S., in the UK there are no quotas for immigration (with two trivial exceptions) and the level of immigration cannot be predicted from one year to the next.

Immigration policy is conceived in the context of a belief in a strong "pressure to migrate" to the UK. In practice most of this pressure comes from Third World countries, especially from the New Commonwealth (former British colonies in the Third World, and the few remaining ones which are now more delicately called "dependent territories"). The Immigration Rules, however, apply to all persons who do not enjoy the right of abode in the UK (apart from the provisions relating to British Commonwealth (BC) membership and apart from movement from the Irish Republic, which has never been subject to control in peacetime).

There is no support in governmental circles, or in public opinion, or even much in academic circles, for the notion that the country "needs" immigrants in general to expand the population and work force or to stimulate the economy (there are exceptions[2]). The UK, like other countries in Western Europe, is considered to be "full" and to have problems of housing, crowding, race relations and unemployment which uncontrolled large-scale immigration could only exacerbate. It is of course recognized that migration will naturally arise for reasons of work, marriage and so on. Aside from asylum claimants, about 200,000 people enter each year intending to stay for at least 12 months, and about 50,000 are "accepted for settlement," leading to a net population gain (apart from the uncounted flow from the Irish Republic) of about 50,000 per year. Labor needs are managed through the work permit system, which in practice attracts mostly high skilled and professional workers. Apart from passport control, there are no barriers on entry to BC citizens and none at all on any movement from the Irish Republic for work or any other purpose. Such persons do not need work permits or visas.[3]

In some Western countries, renewed immigration is urged to rectify actual or threatened population decline or the aging of the population (in this author's view, unsound grounds[4]). In the UK,

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with over 2.4 million unemployed and one of the highest birth rates in Europe, with a population which is not expected to start to decline until after 2030, there is little interest in such propositions. But they are sometimes favored by liberal opinion as further arguments to relax immigration controls. (*The Economist* magazine, for example, hard-headed on economic matters, endorses most proposals for dropping immigration restrictions, whether from supposed demographic needs[5] or alleged economic stimuli as a result of immigration.[6])

Meanwhile, there is general support for further reduction in immigration. In the British Attitudes Survey of 1984, 65 percent of the respondents called for less settlement from the New Commonwealth, as did up to 45 percent of ethnic minority respondents themselves.[7] Most who favor easier entry are moral and intellectual critics from the churches and the left, including some of the black and Asian voters, who predominantly support the Labor Party. These and other critics consider the immigration policy to be racist, both in its strategy and in its operation. The aim in 1962 in introducing controls on the entry of Commonwealth citizens (mostly non-white), to bring them into line with the controls already applying to all other persons, certainly arose explicitly from fears that such large non-European populations could not be readily absorbed either into society or the economy, and that such large flows, already arousing hostile public opinion, would lead to racial conflict. The rules themselves, however, are strictly impartial with respect to race and ethnic origin and indeed arise simply from the extension to Commonwealth citizens of controls previously imposed only upon non-Commonwealth foreign citizens. Many of those who are thereby excluded are non-white people from the Third World. That is where most of the pressure for immigration comes from.

The Historical Background

Britain has never considered itself to be a "country of immigration." It has exported population, not acquired it. From the 16th century its emigrants moved, mostly to its English-speaking colonial territories and dominions, for a variety of political, commercial, religious and individual motives. Emigration grew in the 19th century mostly as a result of spontaneous individual decisions, and was later encouraged officially as one way of reducing the welfare population.[8] In the late 19th and early 20th centuries, emigration to the Dominions, which peaked in 1913, was also encouraged as a way of developing the Commonwealth as a multinational English-speaking power. Legislation to promote emigration to the Dominions was the basis of British migration policy for over thirty years, being renewed as late as 1952.[9]

"In the British Attitudes Survey of 1984, 65 percent of the respondents called for less settlment ... as did up to 45 percent of the minority respondents themselves."

Immigration control was a relative newcomer. Controls made necessary by the wars against Napoleon were finally dismantled in 1836. For most of the 19th century, there was no "immigration problem" and foreigners (mostly from Europe) and subjects were free to come and go more or less as they wished without passports and for the most part without comment. The re-invention of control followed the novel arrival of large numbers of poor Ashkenazi Jewish migrants from Russian Poland, a migration part economic, part refugee, which began in the mid-nineteenth century and became substantial in the 1880s. Most of the Jews congregated in the East End of London, provoking fears that housing and wages were being squeezed. Years of rather conscience-stricken political debate led to a partial form of immigration control in the 1905 Aliens Act. This act invented immigration officers with limited powers to question and refuse entry to foreign steerage passengers on various grounds. Absolute immigration control on foreigners was imposed during World War I. The 1919 Act, with its series of Immigration Orders starting from 1920, has provided the framework for immigration control of foreigners ever since. "Orders" are measures (secondary legislation) derived from legislation which, although requiring the approval of Parliament, do not require the full time-consuming process of the passage of a Bill through both Houses of parliament (primary legislation).

In brief, in its modern guise as updated by the 1971 Immigration Act, no one without the right of

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abode may enter the UK without the permission of an Immigration Officer (except for all arrivals from the Republic of Ireland). Visitors (today about 23 million per year) may be admitted for a variety of the usual short-term reasons. Since 1920 those entering for work, with a few exceptions, need a work permit acquired by their employers from the Department of Employment for a limited period. The terms "immigrant" or "settler" are not recognized by the legislation. Persons are given the right to remain for as long as they like by being "accepted for settlement" either on arrival or more usually "on expiry of time limit" after temporary admission as a worker or spouse or fiance(e). EC citizens now have privileged access thanks to UK accession to the Treaties of Rome (1973) and Maastricht (1993) and the Single European Act 1985 (effective 1993). There are no controls on emigration from the UK, although departing passengers have been required to show a passport since World War I.

Until 1962 and 1971, none of the above measures applied to British subjects, only to "foreigners." British subject status conferred untrammelled right of entry to the UK, and other privileges (voting), upon all those owing perpetual allegiance to the British monarch by virtue of birth in the UK, or in a Dominion or Colony. This long-standing practice was formalized by the British Nationality and Status of Aliens Act 1914. Its provisions were continued even after the Second World War which had effectively put an end to the dream of a multi-national, decentralized world state with a common citizenship. The British Nationality Act 1948 continued the privileges of free entry (and of subsequent voting in all elections) for the citizens of former colonies which had become independent countries, even if they had chosen to become republics (e.g. India, Pakistan in 1947), unless they left the Commonwealth (e.g. Burma 1948, South Africa 1964). Citizens of the former countries were deemed to have remained British subjects or "Commonwealth Citizens," even if their governments renounced the British monarch as Head of State. They were thereby exempted from the immigration disabilities of "foreigners" (or "aliens"). This led to a very confused notion of British citizenship.

By 1977 these privileges of Commonwealth citizen status applied to about 950 million people.[10] Before World War II relatively few who were not of British origin came to Britain. After the war these poor but growing populations were mobilized by the wartime service of West Indians, Indians and others in Britain, and by cheap sea and air travel from the 1950s. The U.S. McCarran-Walter Act of 1952, which reduced the West Indian immigration quota to the United States to 100 until its repeal in 1965, diverted migration streams to the UK.[11]

The 1962 Commonwealth Immigrants Act

As early as 1950 the Attlee (Labor) government had considered proposals to stop immigration from the West Indies, almost as soon as it had begun in 1948, because of its supposed undesirable social consequences. Such proposals were considered from time to time by the Conservative government which succeeded Labor in 1951. Controls were thought necessary to respond to public concern, to avoid friction with immigrant populations perceived as being difficult to assimilate because of differences in race, religion, language and customs. Their concentration in particular urban areas accentuated the fear that the immigrants were putting pressure on housing, jobs and schools.[12] Unlike many continental countries,[13] there was no official large-scale labor recruitment to the UK. Between 5,000 and 10,000 were recruited by various industries, mostly from Barbados.[14]

"As early as 1950 the Atlee (Labor) government had considered proposals to stop immigration from the West Indies ... because of its supposed undesirable social consequences."

Acrimonious debate between the parties and within the Conservative ranks delayed action until 1962 and stimulated further immigration. Popular pressure against continued immigration was countered by claims that controls were racist and betrayed the ideal of free movement in a multi-racial Commonwealth with a world citizenship. Freedom of movement had long ceased to apply to British people seeking to settle in most other Commonwealth

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countries. Eventually the Commonwealth Immigrants Act 1962 imposed for the first time a moderate form of control on Commonwealth citizens, limiting the numbers allowed to enter to seek work through a generous voucher scheme (not the work permits required for aliens) and with liberal arrangements for "dependents."

"The wide-ranging and confusing definition of British citizenship was not reformed until 1981 to bring it into line with the realities of immigration control."

The Labor Party, though voting against the legislation, did not repeal it when they came to power in 1964. Instead they strengthened its modest provisions in the White Paper of 1965. Their new legislation in 1968 introduced annual quotas on East African Asians who had been given UK passports on the independence of various East African colonies. In 1969 the Labor government additionally required persons seeking to enter as dependents from the Indian sub-continent to seek "entry clearance" from British officials there rather than on arrival, where claims were impossible to check. The 1968 legislation also introduced the notion of a "patrial" — a person with a long-standing strong connection with the British Isles who could be expected to have the right of abode in the UK (e.g. by virtue of having at least one UK-born grandparent) once his or her position was established.

To compensate some of its own factions the Labor Government also introduced a series of race relations acts (1965, 1976) progressively outlawing racial discrimination and paving the way for what has become in effect a minorities-based "multicultural" policy. This in turn has not been repealed by the Conservatives, even though they had originally opposed it. Such balanced developments have been called the "Grand Compromise" by U.S. analysts although the term is little used in the UK and no formal deal was struck. Immigration controls are still opposed by the left. It is not Labor Party policy to repeal them, even though particular aspects of the laws or their implementation is denounced as racially discriminatory.

The 1971 Immigration Act

Immigration policy in Britain is still defined by the 1971 Immigration Act. Then and ever since it has been described by the Government as a "firm but fair" immigration policy, intended to "control immigration from all sources on the same basis, as an essential prerequisite for satisfactory race relations." Its aim was explicitly to limit immigration from Commonwealth and foreign countries on the same defensible footing. It abolished the special quotas and other distinctions which Commonwealth subjects had enjoyed over foreign citizens and established the same procedure for labor migration based on work permits for all migrants (except, since 1973, from the EC). "The 1971 Act ... sought to bring primary immigration by heads of households down to a level which our crowded island could accommodate ... in the belief that there is a limit to which a society can accept large numbers of people from different cultures without unacceptable social tensions. That remains our view."[15] The wide-ranging and confusing definition of British citizenship was not reformed until 1981 to bring it into line with the realities of immigration control. The Labor Government of 1974-79, which had opposed the Act in opposition, again did not repeal it when in office. It passed no primary immigration legislation but it did alter the Immigration Rules in various ways which increased the number of persons accepted for settlement. But from 1977 newly married husbands were no longer being accepted for settlement on arrival but instead were given "limited leave to enter." That was intended to reduce illegal immigration through bogus marriages of convenience, a problem which has increased up to the present day.

Developments in Immigration Policy Since 1971

The 1971 Act remains in place as the basis of immigration control. Since then, only relatively minor changes have been made: to close loopholes, to restrict undemanding provisions on dependents, and to respond to new legal challenges (notably membership in the EC) and unexpected interpretations of the 1971 Act by the courts (especially the European Court of Human Rights in 1985), and also to respond to new challenges such as

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very large numbers of asylum seekers and illegal immigrants who began to arrive in the UK from the mid 1980s. For example, the Immigration Act 1980 obliged male Commonwealth citizens settled (or born in UK) by January 1, 1973, as well as subsequently, to provide adequate maintenance for their dependents before those dependents could enter. It also restricted right of entry to just one of the wives of polygamous men settled in the UK and obliged all overseas citizenship claimants to settle their claims abroad. (Once claimants for citizenship or asylum are in the UK they enjoy the support of various appeal procedures and government-subsidized immigrant support agencies.

"Old colonial obligations, the ending of which has been so often promised, continue to punch holes in immigration policy."

European judges have sometimes forced the government to change its rules to allow further immigration. In August 1985, for example, following a ruling in 1985 by the European Court of Human Rights, the Immigration Rules had to be changed to give the right of settlement to the husbands of wives who were settled in the UK, even when the wives were not citizens. Previously this had only applied to husbands of British citizens. This court now over-rides UK law because the UK is a signatory to the European convention on Human Rights, signed November 1950 which came into force September 1953. The convention operates in ways completely unfamiliar to the UK justice system, there being no appeal and no ultimate determination of the law which it administers by elected representatives. To limit the damage, the Rules were also changed to extend the "primary purpose rule" to wives as well as to husbands. This is an inquiry to establish whether the purpose of the marriage is primarily to gain entry into the UK. Wives as well as husbands now have to serve a "probationary year" after their marriage, and female fiancees as well as male fiances must obtain entry clearance before arrival.

Accession to the Treaty of Rome in 1973 required immigration controls to be eased on EC citizens. Except for the mid 1980s, numbers of people entering from EC countries have been about the same as numbers leaving. However Section 8a of the Single European Act, effective from January 1, 1993, poses a more serious challenge to UK immigration control. The EC Commission and other member states interpret this Act to mean that all member states must remove border controls for EC citizens and also for other, non-citizen residents of EC countries. The British Government has opposed any such interpretation, claiming this would wreck attempts to control the entry of drugs and terrorists as well as unwanted immigrants to another country, whether legal or illegal. For the same reasons, the UK has not joined the Schengen agreement of 1990, created between several EC countries to harmonize their immigration policies. Intended to facilitate cross-border trade, the agreement binds its signatories to abandon border controls on their common frontiers, although not, of course, on frontiers with other countries . There is no confidence in Britain in the effectiveness of Spanish, Italian or Greek immigration procedures, which under EC proposals would become, along with those of other states, the means of controlling immigration into the whole EC area from non-EC countries.

Old colonial obligations, the ending of which has been so often promised, nonetheless continue to punch holes in immigration policy. The Immigration (Hong Kong) Act passed in 1991 permits the entry for settlement of up to 50,000 heads of household (equivalent to about 250,000 people), who previously did not have the right of abode in the UK, in addition to the existing 15,000 UK passport holders in Hong Kong. An unwilling UK government felt that it had to stabilize the situation in its last remaining large colony, which is due to be handed back to the communist Chinese government in 1997, even at the expense of domestic immigration policy. By granting the right of abode to the 50,000 (mostly key government employees to whom some moral debt was felt) the government hopes to persuade them to stay in Hong Kong with a guaranteed means of escape, rather than obliging them to find one permanently in Canada or elsewhere by leaving prematurely. Previous, but smaller exceptions were made in 1973 on behalf of East African Asians fleeing Uganda and after 1982 in favor of Vietnamese "boat people." Serious trouble in South Africa may also spell serious trouble for British

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immigration policy. Approximately 800,000 people entitled to hold UK passports ("patrials") are believed to live there.

Recent Pressures on Immigration Policy

Up to the 1980s, it was believed that immigration was more or less under control. In net terms, it was still negative — inflows of Commonwealth and other citizens being more than balanced by outflows of Britons. It had ceased to be politically very salient. Labor migration was adequately dealt with in modest numbers to meet the modest needs of the UK economy. Most work permits were given to highly skilled or professional workers, as today. EC membership and the removal of most controls on entry from PC member countries had not generated large volumes of additional migration — the mediocre UK economy was not attractive to most European migrants. Immigration from the Republic of Ireland, insofar as it was known, was not a problem. Immigration of dependents from the New Commonwealth was declining, although not as fast as had been forecast, and immigration of new fiances and spouses from the New Commonwealth was still relatively modest.

"Most forms of immigration to the UK have continued to rise since the the mid-1980s, not to fall as promised; and in various ways official statistics understate the overall impact of immigration."

This began to change from the mid-1980s. Conventional sources of net immigration began to grow again, from the New Commonwealth and from work permit holders. In just a few years asylum claims have increased from a few hundred to 44,000 in 1991, not including dependents. The UK government, like the rest of Europe, believes that almost all the new asylum pressure is conventional betterment migration. Claimants' case histories show that asylum claiming is often illegal immigration pursued by other means. Acceptance rates of "Convention" refugees, 32 percent as recently as 1989, fell to 3 percent in 1992. However, many more are given "limited leave to remain" on humanitarian grounds. Very few are removed. For example, in 1992 18,465 claims were rejected (including multiple claims) and only 1,346 persons were returned (7.3 percent).

A number of steps have been taken to try to limit these flows, similar to legislation in European countries. Visa requirements have been imposed on various Commonwealth nationals for the first time (Ceylon in 1985, India, Bangladesh, Pakistan and Ghana in October 1986, Nigeria in February 1987). The Immigration (Carriers Liability) Act 1987 made airlines responsible for ensuring that passengers to the UK had appropriate documents, subject to a penalty, now £2000, imposed on the carrier per infringement. Most airlines have refused to pay the huge fines outstanding. Enforcement is troublesome for diplomatic reasons. Changes in the Immigration Rules and asylum procedures have aimed to reduce bogus asylum claiming, for example those in November 1991 directed against multiple applications and other fraud. DNA tests were introduced in January 1991 to check the veracity of dependency claims. The Asylum and Immigration Appeals Act 1993 is the latest legislation. It provides for the fingerprinting of claimants (to suppress multiple claims), ensures that claimants are only offered temporary accommodation if they make demands under the homelessness legislation, restricts the rights of appeal in relation to asylum claims, and extends the Carriers Liability Act to transit passengers. Some of the earlier measures appear to have had some effect. The number of asylum claimants fell to 24,600 in 1992 and to 22,400 in 1993 (excluding dependents).[16] The Government's restrictive policy on refugee claimants attracts much criticism from political opponents and from the churches.

Nonetheless, most forms of immigration to the UK have continued to rise since the mid-1980s, not to fall as promised; and in various ways official statistics understate the overall demographic impact of immigration. Whether this policy, condemned by some for its apparent strictness, is actually effective is questioned by these rising trends. For many years there has been an uneasy consensus on immigration — that controls were necessary and that they were effective. For these reasons, immigration has only

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transiently been front-page news and has not been a major issue in elections. A future article will consider the present-day situation in more detail and consider what options, if any, this or any other UK government might have if it wishes to make its immigration policy more effective. ■

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Southeast Asians' Welfare Rate Highest

It has been almost 20 years since the end of the war in Southeast Asia brought thousands of Cambodians, Laotians and Vietnamese refugees to the United States. Many still languish in poverty, giving Southeast Asians the highest rate of welfare dependency of any racial or ethnic group. More than 30 percent of such households in the U.S, depend on welfare for survival, according to a study released May 18, 1994 by the Asian Pacific American Public Policy Institute, based in Los Angeles, and the Asian American Studies Center at the University of California, Los Angeles. The report is intended to dispel the notion that "Asian Americans don't have any problems," its authors said, an image fostered by statistics that do not take into account the large gap between affluent and poor Asians.

— *Orange County Register*, May 19, 1994

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Sarah Adams, the author of this Backgrounder *published by the Center for Immigration Studies in Washington, D.C., is a former intern at CIS.*

The Basic Right of Citizenship

A Comparative Study

By Sarah A. Adams

> *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.*
>
> — United States Constitution Amendment 14, section 1

This seemingly simple sentence in the United States Constitution has recently been the cause of much debate among politicians and the public alike. The Fourteenth Amendment guarantees the automatic right of citizenship to anyone born in the United States (while subject to its jurisdiction). This has generally been interpreted to mean that the residence status of the parents makes no difference. The parents could be here illegally or simply passing through on a tourist visa; in either case their child born here would automatically be a citizen of the United States. Although, at first glance, this may seem to affect only a very small number of people, in actuality, births to illegal aliens account for a large percentage of the total hospital births in certain areas of the country. For example, Michael Antonovich of the Los Angeles County Board of Supervisors states that two-thirds of the births in Los Angeles county hospitals are to illegal aliens. Additionally, Mr. Antonovich notes that these children now account for 30 percent of all AFDC (Aid to Families with Dependent Children) cases in Los Angeles County.

As the issue of immigration has increasingly become a topic of public discussion, an assortment of bills has been proposed in both the House and the Senate in an attempt to tighten the application of current immigration laws in the United States. The bills have included, among other things, various proposals dealing with reform of the asylum system, improved border security and increased penalties for alien smuggling. Proposals have also addressed the difficult question of what to do about the automatic citizenship right granted by the Fourteenth Amendment. This question has sparked much concern and discussion from all sides of the immigration issue.

In Congress, there are presently several proposals for changing the policy of birthright citizenship. Congressmen Anthony Beilenson (D-CA) and Elton Gallegly (R-CA) both have proposed Joint Resolutions (H.J.R. 117 and H.J.R. 129 respectively) calling for a Constitutional Amendment to change the citizenship clause of the Fourteenth Amendment so that only children of citizens and legal residents would be granted automatic citizenship. Congressman Gallegly's Amendment would limit this right to only those whose mothers are citizens or legal residents, whereas Congressman Beilenson's grants the child citizenship if either parent is a citizen or legal resident.

"Among other provisions ... the bill calls for withholding citizenship from U.S.-born children of non-legal residents."

In February of 1994 Rep. Bob Stump (R-AZ), with 53 cosponsors from both parties, introduced H.R. 3862 to establish a moratorium on immigration while cutting down on abuse of the system. Among other provisions to cut off welfare payments to illegal aliens, streamline decisions on asylum applications, and beef up the Border Patrol to 9,900, the bill calls for withholding citizenship from U.S.-born children of non-legal residents. Sen. Harry Reid (D-NV) had a provision to remove automatic citizenship in a 1993 bill which is not now part of S. 1351, the Immigration Stabilization Act.

Opponents of these proposals argue that they go against the fundamental traditions of the United

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States. The citizenship clause was originally written to guarantee citizenship to all freed slaves, thereby establishing a tradition of inclusiveness. On the other hand, those in favor of the proposals believe birth-right citizenship to be an attraction to illegal immigration. Under current law, simply because a child is born on U.S. soil, he or she is entitled to all the benefits that U.S. citizenship entails, including federal welfare benefits and the right to vote. Additionally, when that child turns 21, he or she will be able to sponsor his or her parents, and other family members, to the United States under the family reunification provisions of the Immigration and Nationality Act.

"...a child born on U.S. soil is entitled to all the benefits that U.S. citizenship entails, including federal welfare benefits and the right to vote [and after age 21] to sponsor parents and other family members [as migrants]..."

Due to the rising importance of this issue, the Center for Immigration Studies has undertaken to examine the citizenship laws of other countries to determine how their practices compare with U.S. policy on this issue.

Generally, citizenship can be acquired in any one of four ways (or any combination of the four). The specifics of each method vary depending on how each individual country chooses to implement them; however, the general principles remain the same. The four ways are by descent (*jus sanguinis*), by naturalization, by registration and by birth (*jus soli*).

The most common method of acquiring citizenship is by descent. Normally this means that citizenship passes down through one or both parents without regard to where the child is actually born. Almost all countries also allow a foreigner to gain citizenship through some process of naturalization. However, the requirements for naturalization vary considerably depending on the country. Often, these requirements include a specific period of residence in the country, basic knowledge of the language and governmental structure, good moral standing, and often an oath of allegiance which may or may not require that the person renounce any former citizenship. Citizenship by registration is a less common method and tends to apply only to nationals of one specific country desiring to become citizens. For example, in India, citizens of certain Commonwealth countries such as the United Kingdom and New Zealand can become citizens by registration.

The final category is citizenship by birth. The legal term for this type of citizenship is *jus soli* which refers to countries that grant citizenship to persons born on their "soil" regardless of the nationality of the parents. Of the 38 countries surveyed for this study, 12 grant automatic citizenship to those born on their soil while 26 do not, as we show in the chart on the following pages. For the purposes of this chart, "birth" refers only to whether a person is guaranteed citizenship simply by being born in that country, regardless of the status of the parents. However, "birth" does not include children of diplomats or other persons performing official duties abroad, as most countries, including the United States, do not give citizenship to the children of foreign nationals in a country on official business of their home government.

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(See chart on following pages)

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Which Countries Grant Birthright Citizenship?

COUNTRY	BIRTH*		NOTES
Algeria		No	Father must be Algerian or stateless
Argentina	Yes		
Australia		No	Children of legal immigrants born in Australia are citizens
Belgium		No	One parent must be a citizen of Belgium
Brazil	Yes		
Cameroon	Yes		
Canada	Yes		Children born to foreign parents after Feb. 1977 are citizens at birth
Colombia		No	One parent must be a legal resident
Czech Repub.		No	One parent must be a citizen of Czech Republic
Egypt		No	Father must be an Egyptian citizen
France		No	Child of foreign-born parents must apply, be approved for citizenship
Germany		No	Those born in Germany acquire the citizenship status of their mother
India	Yes		
Israel		No	If Jewish, a child is automatically a citizen; otherwise, must be the child of an Israeli National to be a citizen
Italy		No	One parent must be Italian
Jamaica	Yes		
Japan		No	One parent must be a citizen of Japan
Kenya		No	One parent must be a citizen of Kenya
Kuwait		No	Father must be a citizen of Kuwait
Mexico	Yes		
New Zealand	Yes		
Nigeria		No	One parent must be a Nigerian citizen
Norway		No	One parent must be Norwegian
Pakistan	Yes		
Philippines		No	One parent must be a citizen of the Philippines
Poland		No	One parent must be Polish
Rep. of Korea		No	One parent must be a citizen of Korea
Saudi Arabia		No	Father must be a citizen (child is added on the father's passport)

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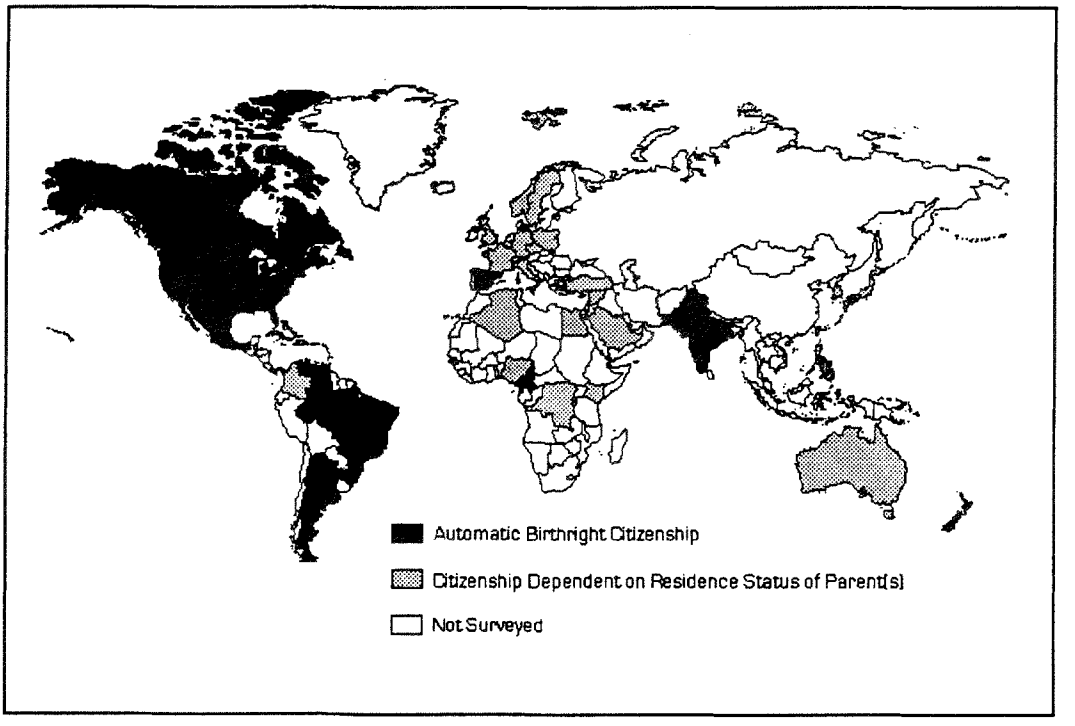
COUNTRY	BIRTH*		NOTES
Spain	Yes		However, the child needs one year of residence to become a citizen if the parents are foreigners
Sweden		No	If mother is Swedish, the child acquires citizenship at birth; if parents are resident aliens, children acquire the citizenship of their parents
Switzerland		No	If child was born before June 1, 1985, the father must be Swiss for the child to be a Swiss citizen; if the child is born after June 1, 1985, the child will be a Swiss citizen if either parent is Swiss
Syria		No	One parent must be a citizen of Syria
Taiwan		No	One parent must be a citizen of Taiwan
Turkey		No	One parent must be a citizen of Turkey
United Kingdom		No	One parent must be a citizen or a legal resident of the UK for the child to be a citizen
United States	Yes		
Venezuela	Yes		
Zaire		No	Mother must be a citizen of Zaire

*"Birth" refers only to whether or not a person is guaranteed citizenship simply by being born in that country. However, excluded from consideration are the children of diplomats, or other persons on official government business in a foreign country.

Which Countries Grant Birthright Citizenship?



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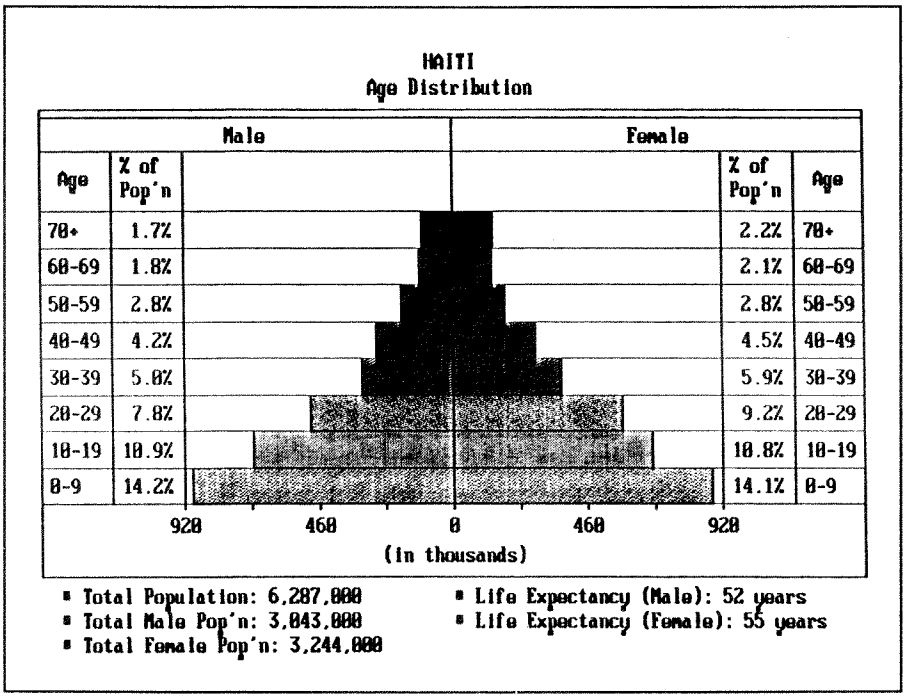
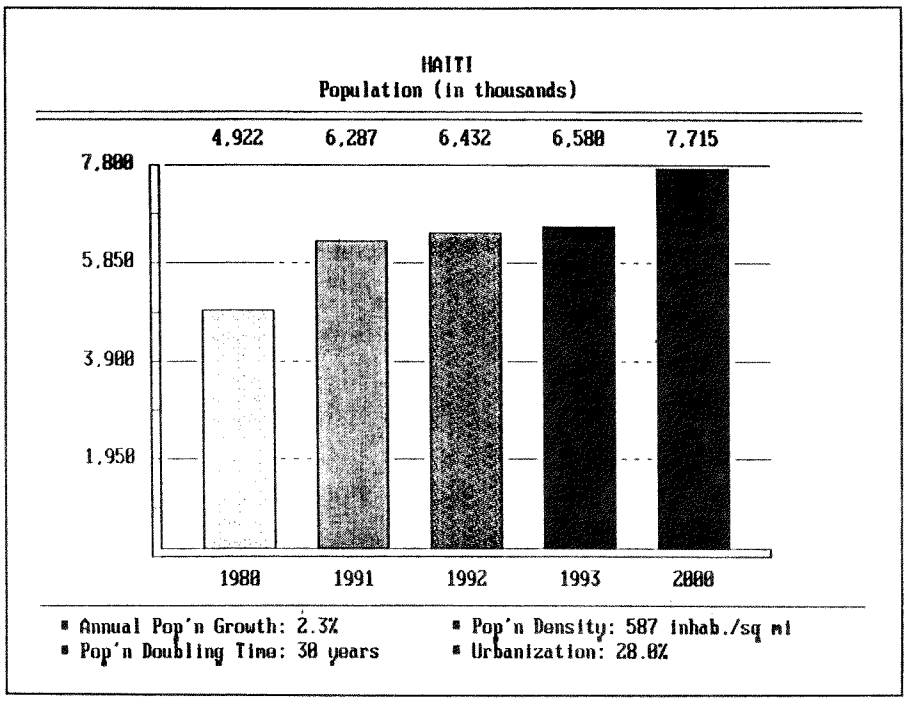
Population Growth Begets Turmoil

The press coverage of the turmoil in Haiti and Rwanda focuses almost exclusively on political, economic, or tribal factors. There is scarcely a word about the underlying demographic problem. To help correct this shortcoming we print the population pyramids and bar graph projections for both countries.





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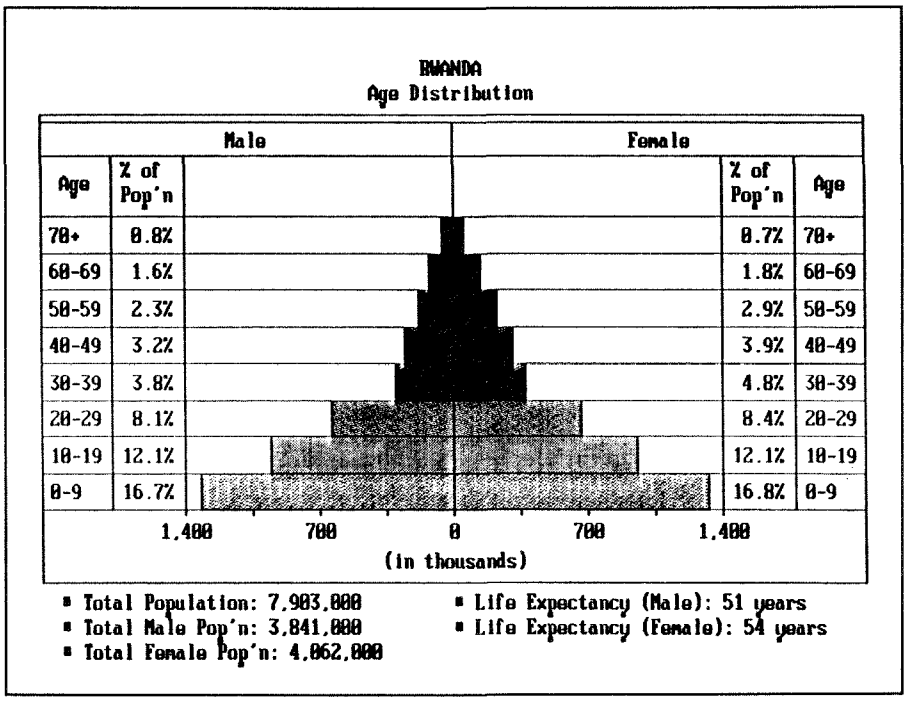

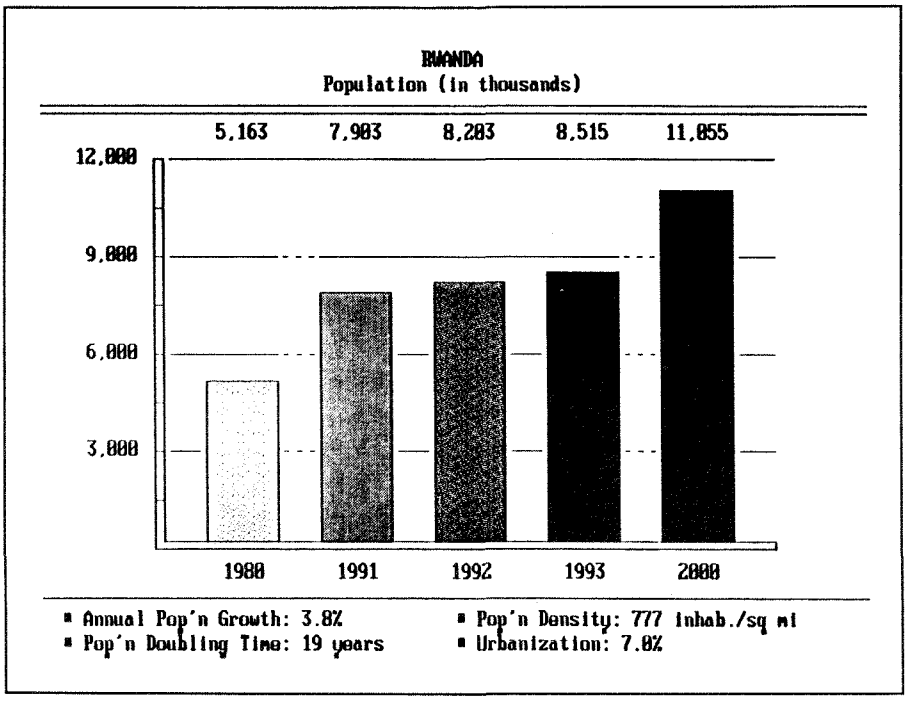

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Robert Park is retired from the U.S. Immigration and Naturalization Service and now serves as chair of English Language Advocates, a public interest group working for the designation of English as the official language of government.

Language in the Workplace

By Robert D. Park

Is a language-related rule national origin discrimination?

On June 20, 1994, the United States Supreme Court let stand a ruling by the U.S. Ninth Circuit Court of Appeals [*Garcia v. Spun Steak Co.*, Supreme Court #93-1222, Lower Court Decision: 998 F.2d 1480 (9th Cir. 1993)] wherein a California company may continue to require most employees to speak English on the job.

The issue arises from Title VII, of the Civil Rights Act, and the guidelines set forth by the Equal Employment Opportunity Commission (EEOC) concerning discrimination in the workplace based on national origin. Does a rule by an employer requiring employees to use English while working constitute national-origin discrimination?

Perhaps not surprisingly, the EEOC said "Yes," and a federal court in San Francisco agreed.

Spun Steak Company is a California corporation that produces poultry and meat products in South San Francisco for wholesale distribution. Spun Steak employs thirty-three workers, twenty-four of whom are Spanish-speaking. Virtually all the Spanish-speaking employees are Hispanic. While two employees speak no English, the others have varying degrees of proficiency in English.

The plaintiffs in this case, Pricella Garcia and Maricela Bultrago, are fully bilingual in Spanish and English.

Spun Steak's president, Kenneth Bertelson, received complaints that Garcia and Bultrago made derogatory, racist comments in Spanish about two co-workers, one of whom is African-American and the other Chinese-American. After an investigation, Mr. Bertelson concluded that an English-only rule would promote racial harmony and enhance worker safety as some non-Spanish-speaking employees claimed the use of Spanish was a distraction while they were operating machinery. In addition, the U.S.D.A. inspector in the plant spoke only English and thus could not determine if product-related concerns were raised in Spanish. The following rule was posted:

> *[I]t is hereafter the policy of this Company that only English will be spoken in connection with work. During lunch, breaks, and employees' own time, they are obviously free to speak Spanish if they wish. However, we urge all of you not to use your fluency in Spanish in a fashion which may lead other employees to suffer humiliation.*

In addition, Spun Steak adopted a rule forbidding offensive, racial, sexual, or personal remarks of any kind.

Written exceptions were issued allowing the clean-up crew to speak Spanish and allowing the foreman certain discretion.

Garcia and Bultrago, however, persisted in speaking Spanish and for two months they were not permitted to work next to each other. Local 115 protested the English-only policy and requested that it be rescinded, but to no avail.

In May, 1991, Garcia, Bultrago and Local 115 filed charges of discrimination with the EEOC. The ensuing investigation determined that "there is reasonable cause to believe Spun Steak violated Title VII of the Civil Rights Act of 1964, as amended, by adopting its English-only rule and its retaliation when Garcia, Bultrago, and Local 115 complained." The case ended up in the federal district court.

In short, the district court granted the Spanish-speaking employees' motion for summary judgment, concluding that the English-only policy disparately impacted Hispanic workers without a sufficient business justification.

Under Title VII, a plaintiff alleging discrimination may proceed under two theories of liability: (1) disparate treatment; or, (2) disparate impact. The latter is concerned with the consequences of employment practices, not simply motivation.

In *Spun Steak* intentional discrimination was not

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alleged by the Spanish-speaking employees, rather, the policy had a discriminatory impact. They argued: (1) it denies them the ability to express their cultural heritage on the job; (2) it denies them the privilege of employment that is enjoyed by monolingual speakers of English; and (3) it creates an atmosphere of inferiority, isolation, and intimidation.

"[The Court of Appeals held] that the English-only policy does not inexorably lead to an abusive environment for those whose primary language is not English."

The circuit court found (1) there is nothing in Title VII which requires an employer to allow employees to express their cultural identity; (2) a privilege is by definition given at the employer's discretion and in this instance, the employer defined the privilege narrowly — bilingual employees who are able to speak English can converse on the job (the privilege of speaking was not denied, only the choice of language); and finally (3) the bilingual employees are able to comply with the rule and there is no evidence that the atmosphere is infused with hostility toward Hispanic workers. *Indeed, substantial evidence indicates the policy was enacted to prevent employees from intentionally using Spanish to isolate and intimidate members of other ethnic groups.*

In holding that the English-only policy does not inexorably lead to an abusive environment for those whose primary language is not English, the Appellate Court reached a conclusion *opposite* to the EEOC's long standing position. Under the EEOC's "scheme" (the Court's term), an employer must always provide a business justification for such a rule because of the EEOC's conclusion that English-only rules may "create an atmosphere of inferiority, isolation and intimidation based on national origin... (The Court) will not defer to 'an administrative construction' of a statute where there are compelling indications that it is wrong." The Ninth Circuit encompasses Guam, and the states of Hawaii, Alaska, Washington, Oregon, California, Arizona, Nevada, Idaho, and Montana.

Can language be used to intentionally isolate and intimidate members of other ethnic groups?

Juanita F. McNeil an English-speaking African-American believes so. She has filed suit in the U.S. District Court, Southern District of New York [*Juanita F. McNeil v. Marie Aguilos and Belleview Hospital*, Cite as: 831 F.Supp. 1079] charging Bellevue Hospital with discrimination and retaliation based on her non-Filipina status.

> *District Judge Sotomayor: At the heart of this action are the allegations by pro se plaintiff... an English-speaking African-American, that Filipina-American nurses spoke Tagalog in her hospital workplace in order to isolate and harass her, and that their communication in Tagalog impeded her ability to perform her job effectively. The questions in this case are troubling, and the issues and problems are likely to become more pervasive as our society grows increasingly multiracial and polyglot* (emphasis added). *There is no simple solution, for just as a workplace English-only policy potentially violates the rights of non-English speakers, plaintiff here contends that allowing co-workers to communicate in a foreign language violates her rights as a native English speaker.*

Conclusions (in part): This suit raises difficult legal issues, some of first impression, all of great importance. The importance of the issues and their position on the *cutting edge* of civil rights law suggest that eager, competent counsel should be readily obtainable and delays should not be too severe.

The Court urged the plaintiff to move for the assignment of *pro bono* counsel by October 12, 1993. At this writing the case is still pending.

Two cases from the Southern District of Texas: (1) a bilingual employee and (2) a monolingual Spanish speaker.

Down Texas way, Hector Garcia filed a discrimination suit in the U.S. District Court, Southern District of Texas, against his employer, Alton V.W. Gloor who had, among other rules set down, prohibited sales persons from speaking Spanish on the job except to Spanish-speaking customers [*Garcia v. Alton W. Gloor, et al*, 618 F.

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2d 264 (5th Cir. 1980)]. Among the reasons given for the rule were: employees would improve their English; and it would permit supervisors, who did not speak Spanish, better to oversee the work of subordinates — both valid business reasons. Mr. Garcia is a native born, bilingual Mexican-American who had completed the first semester of tenth grade in Texas public schools.

Keep in mind that this case, like the Spun Steak case above, involves the narrow issue of whether the English-only rule as applied imposes a discriminatory condition of employment on an employee who is bilingual, English/Spanish.

In June, 1975, Gloor overheard Garcia speaking Spanish with another employee and for that, in combination with other deficiencies, fired Garcia. According to his own testimony, Garcia had violated the English-only rule "at every opportunity since the time of his hiring..."

At trial an expert witness for Garcia testified that the Spanish language is the most important aspect of ethnic identification for Mexican-Americans, and it is to them what skin color is to others. (Language as ethnic identification and as an expression of Hispanics' cultural heritage and pride seem to be common threads in language suits.)

The district court concluded that the *speak-only-English* rule did not discriminate on the basis of national origin and on May 22, 1980, the Court of Appeals, Fifth Circuit affirmed the decision. In so doing, the Court noted, *"no authority cited to us gives a person a right to speak any particular language while at work; ...if the employer engages a bilingual person, that person is granted neither right nor privilege by statute to use the language of his personal preference* (emphasis added)."

Also from the Southern District of Texas we have Natividata Vasquez, a monolingual Spanish-speaking part-time truck driver who was denied re-employment by McAllen Bag & Supply Company after the company instituted a policy requiring its drivers to be able to speak English. Vasquez's suit [*Vasquez v. McAllen Bag & Supply Co.*, 660 F.2d 686 (5th Cir. 1981)] charged discriminatory hiring practices on the basis of national origin.

The area where the alleged discrimination occurred is 85 percent Mexican-American with 60 percent of the population as monolingual Spanish-speakers. In 1977, the employer instituted a policy of hiring only drivers who could speak English or were bilingual since the employer could communicate with his drivers only in English. Vasquez, although he had performed satisfactorily in the past, was not re-hired.

The district court found that there was no showing of the requisite *motive* for discrimination in a policy of hiring only English-speaking or bilingual truck drivers. On November 6, 1981, the Court of Appeals, Fifth Circuit, which includes the states of Texas, Alabama, Florida, Georgia, Louisiana, Mississippi as well as the Canal Zone, affirmed that finding.

These cases clearly show that the courts are not bound by guidelines set down by the EEOC when there is no statutory or legislative history to support those guidelines. The EEOC *presumes* that English-on-the-job rules are discriminatory, placing the burden on employers to justify them as a *business necessity*.

According to Barnaby Zall, an expert in this field of law, the Supreme Court has never considered whether a language-related rule is prohibited as national origin discrimination. Lower courts (as shown above) have rejected the idea, saying that while language might be used as a tool to discriminate, regulating language alone (without an intent to discriminate) is not national origin discrimination. However, the ACLU and the Clinton administration claim that language-related rules based on national origin discrimination are prohibited. ■

From "Stats of the City"

Percentage of New York City cab driver applicants who are immigrants: over 90 percent.

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William Dickinson has served as manager of the Washington Post Writers Group, syndicating the Post's writers to other papers. A resident of Lawrence, Kansas, he currently writes for the Biocentric Institute in Airlie, Virginia.

How Much Is That Doggie In the Window? Answer: 2.3 Cents a Minute

By William B. Dickinson

The photograph is of a Chinese boy walking in a park with a small dog on a leash. My daily newspaper ran the photo along with a short Associated Press dispatch: "A walk in the park with a dog is a luxury, not leisure, in Beijing. That's why the Friends of the Dog Park — which rents dogs for 23 cents for 10 minutes — is so popular. China has officially banned the animals because it says the country is too poor to afford them. Some 600 dogs (are) available for rental..."

Welcome to the human face of overpopulation. Perhaps China is "too poor" to allow people to own dogs, but it's just as fair to conclude that the country has "too many people" to afford them. In an effort to rein in its growth, China has a one-child-per-family policy. Even so, its resources are strained to provide for the 1.2 billion people there already. So children rent dogs for 10 minutes to experience a companionship we in richer nations take for granted. How sad. How telling!

For a long time, I thought the crisis of exploding population would not become inescapably apparent until early in the next century. To be sure, the earth now holds 5.7 billion of us, and we are growing at the rate of 1 billion every 10-12 years. Technological development of the Pacific Rim and Latin nations, however, was seen by some as a saving grace. Malthusian misery might be limited for a while longer, allowing nations time to get their population-stabilization act together.

This window of opportunity now may be seen as a chimera. My reading of the news so far this year suggests that in nation after nation, both rich and poor, population pressures have reached critical mass. The slaughter in Rwanda is a sickening reminder of how quickly man turns against man, given a flash point. A mysterious plane crash that killed its Hutu president becomes the excuse for massacres of the rival Tutsi tribe. More than ethnic rivalries are involved here. Homes of the murdered Tutsis are looted — an example of what Vanderbilt University anthropologist Virginia Abernethy has termed "resource grabs" traceable to overpopulation.

Many of us watch "National Geographic" and "Nature" specials on public television. The unvarying lesson of these programs is that the animal kingdom is regulated by natural imperatives of territory, resources and birthrates. We have no trouble understanding that only so many creatures can survive in a finite place. But we are unwilling to extrapolate from these vivid examples of nature in action. Our conceit is that humans are different: we were given Biblical dominion over baser creatures, and our intelligence and technology will save us from the fate of other animal forms confronted by massive overcrowding.

If so, we had better get cracking. Otherwise, we face what Robert D. Kaplan has called "The Coming Anarchy," characterized by the scarcity, crime, overpopulation, tribalism and disease that already are destroying the social fabric of many nations. Kaplan's cover article in *The Atlantic Monthly* (February 1994) is a horrific preview of the first decades of the 21st century. His trek through West Africa is a detailed look at a future dominated by demographic, environmental and societal stress in which "criminal anarchy emerges as the real 'strategic' danger." It's no coincidence that birthrates in these African countries are at the top of the scale.

Too many people is often the common denominator. Consider Vietnam — as *The New York Times*'s Malcolm W. Browne did during a month-long visit in April. In a front page article, May 8, Browne reported that Vietnam "is bursting at the seams with people, and unless the nation can change its demographic, social, and economic trends, the

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Vietnamese people will face a catastrophe, many experts believe." Since 1975, Vietnam's population has increased by more than 60 percent, to 72 million. Already the twelfth most populous nation on Earth, it could number 168 million by 2025.[1]

Common sense tells us that such numbers cannot come to pass. Nature is the final arbiter of existence, and when the environment and quality of life have been sufficiently degraded in a place, balance will be restored, if necessary on killing fields. The behavioral sinks of Somalia, Haiti, Bosnia and the former Soviet Union should be viewed as cautionary tales.

All of this lends urgency to preparation for September's International Conference on Population and Development in Cairo. The conference represents one of the last chances this century to address population/migration issues on global terms. Yet the preparatory session at the United Nations ended in late April without agreement on abortion, access to contraception by adolescents, and financing.

Meantime, women's groups are stirring the pot by arguing that traditional methods of controlling population growth are demeaning and coercive. They want a new emphasis on expanding health services to include prenatal care, educating girls, and promoting women's equality. As women gain more control over their lives, it is held, they will have fewer children. This argument is not without merit: cultural differences may have more to do with birthrates than does access to contraceptives. But the worry is that the rift between the women's equality advocates and the family planning forces will paralyze the delegates at Cairo.

I suggest we cut through the fog by handing out a copy of that photograph of the Chinese boy and the rented dog. ■

[1] *The Social Contract* published an excerpt from Malcolm Browne's book, *Muddy Boots and Red Socks* in our Spring 1994 edition. It is a chapter entitled "Beware the Third World" beginning on page 186.

In Germany: Number of Asylum Seekers Stagnates

Since the speeding up of asylum procedure (April 1, 1993) and the change of article 16 of the German constitution (July 1, 1993) the number of asylum seekers in Germany decreased remarkably, especially of Romanian and Bulgarian citizens. Since August 1993 the number of asylum applications filed monthly remains around 15,000, one-half or less than earlier. Most applications are filed by Yugoslavian citizens (5,966 in January, 1994), followed by Turkey (1,403), Romania (847) and Vietnam (485). In January a total of 13,154 applications were registered at the Federal Office for the Registration of Foreign Refugees located in Zirndorf. Experts are relating the decline to both the change of article 16 and the speeding up of the procedure to less than two weeks (compared to several years prior to the April 1st change) which makes a temporary stay during the application an unattractive option for East Europeans searching for employment.

Source: European Forum for Migration Studies, Bamberg

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Professor Hirschman wrote this book while in residence at the Center for Advanced Studies in the Behavioral Sciences at Stanford University. Reprinted by permission of the publishers from Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States *by Albert O. Hirschman, Cambridge, Mass.: Harvard University Press,* © *1970 by the President and Fellows of Harvard College.*

Excerpt from Chapter Eight
Exit, Voice and Loyalty:
Responses to Decline in Firms, Organizations and States

By Albert O. Hirschman

[*Editor's Note: The author argues that there are two types of response to unsatisfactory situations in one's firm, organization or country. The first is "exit" or leaving without trying to fix things. The second is "voice," that is, speaking up and trying to remedy the defects. Loyalty can modify the response, causing one to stand and fight (voice) rather than cut and run (exit). The chapter excerpted here deals in forceful language with these choices in decisions about human migration.*]

It does not take much of a plunge, at this point, to take up as our last topic a special though sizable case — that of exit and voice in relation to American ideology, tradition and practice.

My principal point — and puzzlement — is easily stated: exit has been accorded an extraordinarily privileged position in the American tradition, but then, suddenly, it is wholly proscribed, sometimes for better, sometimes for worse, from a few key situations.

The United States owes its very existence and growth to millions of decisions favoring exit over voice. This "ultimate nature of the American experience" has been eloquently described by Louis Hartz:

> *The men in the seventeenth century who fled to America from Europe were keenly aware of the oppressions of European life. But they were revolutionaries with a difference, and the fact of their fleeing is no minor fact: for it is one thing to stay at home and fight the "canon and feudal law," and it is another to leave it far behind. It is one thing to try to establish liberalism in the Old World, and it is another to establish it in the New. Revolution, to borrow the words of T.S. Eliot, means to murder and create, but the American experience has been projected strangely in the realm of creation alone. The destruction of forests and Indian tribes — heroic, bloody, legendary as it was — cannot be compared with the destruction of a social order to which one belongs oneself. The first experience is wholly external and, being external can actually be completed; the second experience is an inner struggle as well as an outer struggle, like the slaying of a Freudian father, and goes on in a sense forever.*[1]

This preference for the neatness of exit over the messiness and heartbreak of voice has then "persisted throughout our national history."[2] The exit from Europe could be re-enacted within the United States by the progressive settlement of the frontier, which Frederick Jackson Turner characterized as the 'gate of escape from the bondage of the past.'[3] Even though the opportunity to "go West" may have been more myth than reality for large population groups in the eastern section of the country,[4] the myth itself was of the greatest importance for it provided everyone with a paradigm of problem-solving. Even after the closing of the frontier, the very vastness of the country combined with easy transportation make it far more possible for Americans than for most other people to think about solving their problems through "physical flight" than either through resignation or through ameliorating and fighting *in situ* the particular conditions into which one has been "thrown." The curious conformism of Americans, noted by observers ever since Tocqueville, may also be explained in this fashion. Why raise your voice in

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contradiction and get yourself into trouble as long as you can always remove yourself entirely from any given environment should it become too unpleasant?

It will be noted that all these "flights" are in the nature of true exits, that is, exits from private rather than public goods: whatever effect they had on the society that was left behind was an unintended side effect. Those who departed from their communities had no thought of improving them thereby or of fighting against them from the outside; they were immigrants rather than émigrés, and soon after their move "couldn't care less" about the fate of the communities whence they came. In this perspective, the present-day "cop-out" movement of groups like the hippies is very much in the American tradition; once again dissatisfaction with the surrounding social order leads to flight rather than fight, to withdrawal of the dissatisfied group and to its setting up a separate "scene." Perhaps, the reason for which these groups are felt to be "un-American" is not at all their act of withdrawal, but, on the contrary, their *demonstrative* "otherness" which is sensed as an attempt to influence the square society they are rejecting. By making their exit so spectacular, by oddly combining *deviance* and *defiance*, they are actually closer to voice than was the case for their pilgrim, immigrant, and pioneer forebears.

"...voice was fatally weakened by exit of the most quality-conscious customers of a firm or of the most valuable members of an organization."

The traditional American idea of success confirms the hold which exit has had on the national imagination. Success — or, what amounts to the same thing, upward social mobility — has long been conceived of in terms of evolutionary individualism.[5] The successful individual who starts out at a low rung of the social ladder necessarily leaves his own group behind as he rises; he "passes" into, or is "accepted" by, the next higher group. He takes his immediate family along, but hardly anyone else. Success is in fact symbolized and consecrated by a succession of physical moves out of the poor quarters in which he was brought up into ever better neighborhoods. He may later finance some charitable activities designed to succor the poor or the deserving of the group and neighborhood to which he once belonged. But if an entire ethnic or religious minority group acquires a higher social status, this occurs essentially as the cumulative result of numerous, individual, uncoordinated success stories and physical moves of this kind rather than because of concerted group efforts.

The novelty of the black power movement on the American scene consists in the rejection of this traditional pattern of upward social mobility as unworkable and undesirable for the most depressed group in our society. Significantly, it combines scorn for individual penetration into white society of a few selected blacks with a strong commitment to "collective stimulation" of blacks as a group, and to the improvement of the black ghetto as a place to live. In the words of one spokesman:

> *Integration, particularly in the token way in which it has been practiced up to now ... elevates individual members of a group, but paradoxically, in plucking many of the most promising members from a group while failing to alter the lot of the group as a whole, weakens the collective thrust which the group might otherwise muster.*[6]

This formulation is strikingly similar to the previously mentioned situation — railroads in Nigeria, public schools, and so forth — in which exit was ineffective while voice was fatally weakened by exit of the most quality-conscious customers of a firm or of the most valuable members of an organization.

In the case of a minority that has been discriminated against a further argument can often be made: namely, that exit is bound to be unsatisfactory and unsuccessful even from the point of view of the individuals who practice it. The point is familiar, but it may be of interest to see it made not for "passing" Jews or Negroes in the United States, but for Andean Indians:

> *A normal pattern of change in the Andes is for the individual to become a mestizo by leaving his highland community of birth, rejecting his Indian background, and assuming all possible mestizo status symbols. The individual who becomes a mestizo by this*

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route, however, finds himself part of a despised "cholo" minority in a world dominated by urban upper classes to which he cannot aspire.[7]

This unsatisfactory process of individual mobility is then compared to the group process which, according to the author, was made possible in Bolivia by the Revolution:

In the formerly Indian communities of Bolivia, on the other hand, the group itself is the agency regulating the adoption of the mestizo traits. The individuals within the group proceed at the same pace, with few persons standing out as "more mestizo" than the others. Neither is there strong motivation physically to leave the community nor to reject identifiably Indian behavior patterns. Rather, the individuals are participating in a true cultural change, as a group ... There is no rush to acquire status symbols, because there is a deep sense of the ridiculousness of a person wearing a necktie, for example, when that person is unable to speak Spanish.[8]

A similar preference for the "collective thrust" approach over the "flight" or "melting pot" pattern of upward social mobility has been characteristic of spokesmen for seriously lagging regions within countries, such as Italy's South and Brazil's Northeast. In plans to catch up with the rest of the country, these spokesmen have usually assigned a quite minor role to emigration which they tended to consider not as a contribution to their region's uplift, but as an unfortunate "hemorrhage" of its best talent.

Upward social mobility of just the talented few from the lower classes can make domination of the lower by the upper classes even more secure than would be achieved by rigid separation. This becomes evident if one imagines a society that would have a systematic policy of *adopting* promising low-class youngsters into upper-class families. Adoption practices of this sort can be found in Japan during the Tokugawa period when the country indeed enjoyed "two centuries of peace and stability."[9]

In practice, upward mobility for a disadvantaged or hitherto oppressed group is likely to require a mixture of the individual and the group process, that is, a mixture of exit and voice. The group process will come into prominence at certain intermediate stages, and there is special need for it when social cleavages have been protracted and when economic disparities are reinforced by religious, ethnic, or color barriers. In the United States, in fact, reality has often been different from ideology: as is well recognized, ethnic minorities have risen in influence and status not only through the cumulative effect of individual success stories, but also because they formed interest groups, turned into outright majorities in some political subdivisions, and became pivotal in national politics.[10] Nevertheless, the black power doctrine represents a totally new approach to upward mobility because of its open advocacy of the group process. It had immense shock value because it spurned and castigated a supreme value of American society ... success via exit from one's group.

Apart from such latter-day dissonant voices, the ideology of exit has been powerful in America. With the country having been founded on exit and having thrived on it, the belief in exit as a fundamental and beneficial social mechanism has been unquestioning. It may account for the strength of the national faith in the virtues of such institutions as the two-party system and competitive enterprise; and, in the latter case, for the national *disbelief* in the economist's notion that a market dominated by two or three giant firms departs substantially from the ideal competitive model. As long as one can transfer his allegiance from the product of firm *A* to the competing product of firm *B*, the basic symbolism of the national love affair with exit is satisfied.

"With [America] having been founded on exit and having thrived on it, the belief in exit as a fundamental and beneficial social mechanism has been unquestioning."

Yet, as love may suddenly turn into hate, so can the national infatuation with exit give way in certain crucial areas to its utter proscription. To some extent, exit is itself responsible for the emergence of its opposite. In leaving his country the emigrant makes a difficult decision and usually pays a high price in severing many strong affective ties. Additional

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payment is extracted as he is being initiated into a new environment and adjusting to it. The result is a strong psychological compulsion to like that for which so large a payment has been made. In retrospect, the "old country" will appear more abominable than ever while the new country will be declared to be the greatest, "the last hope of mankind," and all manner of other superlatives. And one must be happy. Probably because of this collective compulsion to be happy, the word has gradually taken on a much weaker meaning than it has in other languages. This is illustrated in the story about two immigrants from Germany meeting for the first time after many years in New York. One asks the other: "Are you happy here?" Reply: "I am happy, *aber glücklich bin ich nicht.*"[11]

As a country's central bank is the lender of last resort, so has the United States long been the "country of last resort." To most of its citizens — with the important exception of those whose forefathers came as slaves — exit from the country has long been peculiarly unthinkable.

"[Voice] will be animated by the typically American conviction that human institutions can be perfected and that problems can be solved."

Suppose, however, things are not fully satisfactory — what then? In line with the earlier argument about the effects of a high price of entry on loyalty, it may be expected that the point at which one avows any qualms will be postponed. This is precisely the phase of compulsive happiness. Situations may well arise, however, in which qualms can no longer be repressed. A number of reactions are then possible:

1. As was just shown, another exit may be attempted, but this time within the (fortunately wide) confines of the country.
2. Since clearly the country cannot be at fault, responsibility for unhappiness, qualms, and so forth is assumed to lie with the person experiencing these sensations. Another dose of "adjustment" is in order.
3. Finally, if the country is too obviously at fault after all, it has to be *made* into the ideal place which one wants it so passionately to be. Hence voice will come into its own with unusual force. It will be animated by the typically American conviction that human institutions can be perfected and that problems can be solved. The compulsion to be happy is replaced by the compulsion to use voice for the purpose of making the country live up to its image. It is, in fact, to this compulsion that the country owes some of its greatest achievements just as it owes its origin to exit.

[*The author goes on in this chapter to discuss the "extreme reluctance of Americans in public office to resign (exit) in protest against policies with which they disagree."*]

NOTES

[1] Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, Brace & World, 1955), pp. 64-65.

[2] Hartz, *The Liberal Tradition*, p. 65 n. Note also his phrase, in the same footnote: "In a real sense physical flight is the American substitute for the European experience of social revolution."

[2] From the last paragraph of his famous 1893 paper "The Significance of the Frontier in American History," reprinted in Frederick Jackson Turner, *The Frontier in American History* (New York: Henry Holt, 1920), p. 38. Interestingly enough, Turner noted in a later essay that with the closing of the frontier new political processes, akin to "voice," would have to take the frontier's place if democracy was to be kept vigorous in the United States. "The present finds itself engaged in the task of readjusting its old ideals to new conditions and is turning increasingly to government to preserve its traditional democracy. It is not surprising that socialism shows noteworthy gains as elections continue; that parties are forming on new lines; that the demand for primary elections, for popular choice of senators, initiative, referendum, and recall, is spreading, and that the regions once the center of pioneer democracy exhibit these tendencies in the most marked degree. They are efforts to find substitutes for that former safeguard of democracy, the disappearing free lands. They are the sequence to the extinction of the frontier" (p.321).

[4] See, for example, F.A. Shannon, "A Post-Mortem on the Labor Safety-Valve Theory," *Agricultural History*, 19:31-37 (January 1945), reprinted by George R. Taylor, Ed., *The Turner Thesis* (Boston: D.C. Heath & Co., 1949).

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[5] Richard Hofstadter, *Social Darwinism in American Thought* (Philadelphia: University of Pennsylvania Press, 1945).

[6] Nathan Hare, as quoted in John H. Bunzel, "Black Studies at San Francisco State," *The Public Interest*, no. 13 (Fall 1968), p. 30. That integration, as practiced so far, deprives the black community of "leadership potential" is also argued in Stokely Carmichael and Charles V. Hamilton, *Black Power* (New York: Vintage Books, 1967), p. 53.

[7] Richard Patch, "Bolivia: The Restrained Revolution," *The Annual of the American Academy of Political and Social Sciences*, 334:130 (1961).

[8] *Ibid.*

[9] R.P. Dore, "Talent and the Social Order in Tokugawa Japan," in John W. Hall and Marius E. Jansen, eds., *Studies in the Institutional History of Early Modern Japan* (Princeton: Princeton University Press, 1968), pp. 349, 354. The imagination of Michael Young takes the process one step further. In his anti-utopia where the upper and lower classes are increasingly separated as a result of individual mobility there develops a "disturbing growth in the black market of baby traffic, stupid babies from elite homes being sent, sometimes with princely dowries, in exchange for clever ones from the lower class." *The Rise of Meritocracy* (1958, Penguin Books, 1968 edition), p. 184.

[10] For some forceful and well documented remarks along these lines, see Christopher Lasch, *The Agony of the American Left* (New York: Alfred A. Knoph, 1969), pp. 134-141.

[11] Translation: "but happy I am not." As another example of the intensity associated with the word "happy" in non-American languages, take the opening lines of a poem by Umbert Saba:

In quel momento ch'ero giá felice
(Dio mi perdoni la parola grande
e tremenda) ...

which translates feebly into: "At that time when I was still happy (may God forgive me the great and awesome word)..." Saba, *Il Canzoniere* (Rome: Giulio Einaudi, 1945), p. 220.

Population Growth and Anarchy

"The Coming Anarchy" is the title of a long and thoughtful article by Robert D. Kaplan in *The Atlantic Monthly*, February 1994. After traveling through 60 countries around the world, Kaplan perceives an emerging pattern. Many of the countries on modern maps do not reflect life within their marked outlines. He see Sierra Leone as a microcosm of what is occurring in West Africa and much of the under-developed world, where demographic environmental, and societal stress creates criminal anarchy. Even the United States fits Kaplan's world pattern. From being a classic nation-state, it is now clear that "during the 1960s, American began a slow but unmistakable process of transformation ... eroding America's domestic peace."

"Environmental Change and Violent Conflict" by Thomas Homer-Dixon and others appeared in the February 1993 issue of *Scientific American*. A team of 30 researchers commissioned by the University of Toronto and the American Academy of Arts and Sciences came to a "disturbing conclusion" as a result of their studies: "scarcities of renewable resources are already contributing to violent conflicts in many parts of the developing world. These conflicts may foreshadow a surge of similar violence in coming decades, particularly in poor countries where shortages of water, forests and, especially, fertile land, coupled with rapidly expanding populations already cause great hardship."

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B. Meredith Burke is a demographer and economist who has consulted for major agencies in the United States, in Africa, and in the Caribbean. Her population and immigration articles have appeared in The Wall Street Journal, Newsweek, *the* Sacramento Bee, *and the* San Jose Mercury News. *Here she reports on a conference on immigration held in San Francisco, April 25, 1994.*

"Immigration and the American Mosaic": An Evaluation

By B. Meredith Burke

Opening the April 25th San Francisco conference, "Immigration and the American Mosaic", Pacific Research Institute for Public Policy (PRI) president Sally Pipes hoped the day would see some movement towards consensus. That was not to be. But to this observer the fault line in the immigration policy debate did become much clearer.

Although PRI and co-sponsor The Manhattan Institute (represented by Linda Chavez) are conservative think tanks and the preponderance of microphone time seemed to go to (relatively) open door advocates, nearly all views were represented among the fourteen presenters and numerous audience contributors. Never sufficiently emphasized in this debate anywhere is that neither political affiliation nor immigrant status is predictive of one's stance. Even the luncheon debate highlighted this fact: liberal Los Angeles resident Joel Kotkin, author of *Tribes*, favored open doors while senior *Forbes* editor and British immigrant Peter Brimelow favored closed ones.

In Favor of More Immigration

Besides Kotkin, open door advocates included Dennis Aigner, UC Irvine School of Management dean; Robert Bach of the Carnegie Endowment for International Peace; Lord Peter Bauer, development economist; Don Devoretz, Canadian immigration specialist from Simon Fraser University; economist Rose Friedman (an immigrant and Milton's wife); Lawrence Fuchs, Brandeis University professor and Vice Chairman of the U.S. Commission on Immigration Reform; and Stephen Moore of The Cato Institute.

Open door advocates can be loosely characterized as follows:

1. If Republican, they see immigrants as a source of unlimited labor. They never propose that lower unit costs be achieved through higher labor productivity.
2. They tend to be critical of state suits to force the federal government to pay more of the costs associated with immigrant-related public expenses, saying these are the same communities which are benefitting from the concomitant economic growth.
3. If Democrat, they believe the U.S. can and should take in every aspirant for a better life, including the more than one billion Chinese a court has now ruled can flee repressive childbearing policies.
4. Both either discount the long term population consequences of immigrants and their offspring or believe a bigger population is preferable to a smaller.
5. Both believe that linking population growth to pollution, urban sprawl, vanishing farmlands and wetlands, and the depletion of non-renewable resources reveals a lack of creative innovation to deal with these problems.
6. Both believe that all tax and social security payments paid by immigrants (legal and illegal) flow solely to the social service programs used by them, offsetting their costs, while the taxes paid by citizens support all other government-funded activities, including the military and the police.
7. Both use (often misleading) aggregate data to argue collective well-being is currently being enhanced by immigration and ignore such distributive effects as increased unemployment and lower wages among blacks, native-born Hispanics, and poor whites.
8. Conversely, both emphasize individual success stories among immigrants while ignoring immigrants' collective effects upon the receiving communities or the stories of individuals (such as unionized black janitors or parents with children in crowded

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classrooms) who have been harmed by immigrant competition.
9. Both ignore or discredit citizen's desires to live with reasonable proximity to jobs, uncrowded recreation land, and untrammelled wilderness, goals frustrated by ever-expanding cities.
10. All these speakers below age 50 were cavalier about the stagnant and declining incomes of their cohorts in the period 1973-93 — presumably because they themselves had ridden through unscathed in their upper-middle-class sinecures.

"Speakers of both political persuasions made egregious demographic misstatements."

11. Speakers of both political persuasions made egregious demographic misstatements. Kotkin, concerned about the increasing proportion of the aged in Japanese and German societies (a consequence of earlier baby booms followed by current low fertility), asserted "immigrants have a lower dependency rate than do natives." After adjusting for age and marital status, I find this difficult to believe given that Mexican nationals, the largest incoming group, average four children per woman. Perhaps Kotkin believes only the elderly can be classed as dependents. Moore erroneously attributed most of postwar U.S. population growth to declining death rates, saying his son's survival potential as a baby was three times greater than it would have been in 1900. Since better than 99.9 percent of white males now survive to age 1, this implies that only 33.3 percent did so in 1900. The true number was about 88 percent.
12. Neither side proposes that if America, supposedly still a developed nation, cannot produce sufficient technical workers and entrepreneurs from its own children, we should be mounting an urgent effort to do so rather than drain supposedly poorer countries of their own professional workers.
13. (I inferred that) none of these participants currently has children enrolled in immigrant-impacted public schools with declining per student expenditures.

In Favor of Restriction

Along with Brimelow, closed door advocates included Virginia Abernethy, Vanderbilt University anthropologist and editor of *Population and Environment*; Eloise Anderson, Director of Social Services of the California Department of Social Services; economist and Cuban immigrant George Borjas of UC San Diego; Nathan Glazer, Harvard University professor emeritus and co-author with Daniel Moynihan of "Beyond the Melting Pot"; and Daniel Stein, executive director of the Federation for American Immigration Reform (FAIR).

Closed door advocates can be loosely characterized as follows:
1. If Republican, concerned about the historical differences in the rate of demographic displacement of the current native stock and the fact that citizens have not been consulted about whether they desire to abandon their cultural hegemony.
2. If Democrat, concerned about the strains on the environment associated with even the present level of population and the discounting of the warning against further population growth by the 1972 U.S. Commission on Population and the American Future.
3. Both are concerned that the social infrastructure — schools, housing, sewage disposal, roads, pollution controls — is being overburdened and its performance reduced by high rates of population increase.
4. Both are concerned that the native born black population has been trounced economically by every large wave of immigration, including the current one.
5. Both are concerned that the resources which flow to programs and services benefitting immigrants are subtracted from those which might otherwise have gone to our native-born poor.
6. Both believe that politicians should be responsive to the polls showing that overwhelming majorities of American subgroups, including Hipanics and residents of the highest immigrant-receiving states, are calling for a sharp cutback in admissions.
7. Both feel that the federal government is not only temporizing on this issue but has stacked the U.S. Immigration Commission on Immigration Reform with pro-immigrant activists; four of the nine members are actively practicing immigration law.
8. Both feel states and communities should hold the federal government accountable for all expenses

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associated with the presence of immigrants since immigration policy is a federal responsibility.
9. Both feel the distinction between legal and illegal is gratuitous, given the similar environmental/economic effects of each and our history of regularizing the status of illegals.
10. Both believe there are sufficient demographic discontinuities with the past that the U.S., though it might work against repressive regimes, can no longer accept more than a token few refugees and cannot serve as a pressure valve for rapidly growing populations.
11. Both are willing to withhold American citizenship from infants born here of parents who are neither citizens nor legal residents.

Agreement About Illegals

Were there any points of agreement? Definitely. All were against illegal immigration, if only because as Fuchs put it, "We are a society of law." Except for Kotkin, who felt it was "fine" to move away from a country which is European, all felt that the primacy of the Anglo-American legal and political system should be affirmed. Without exception, all deplored multiculturalism, defined as elevating languages (and their attendant cultures) other than English into equality with English in the public sphere. All deplored "tribalism" and feared for the cohesion of American society. No one was happy about the declining educational level of immigrants in the past twenty years, but whereas Borjas felt this strengthened the case for restrictions, Moore advocated admitting 500,000 additional immigrants with high skills, annually, thereby raising the median skill level.

And when Governor Pete Wilson made a late, brief appearance to announce the state of California was bringing a law suit against the federal government for it to cover all costs associated with felons who are illegal aliens, the vast majority of the speakers and of the audience seemed enthusiastic. ■

[*Editor's note: the two following articles are reprints of the speeches made at this San Francisco Conference by Governor Pete Wilson and California Social Services Director Eloise Anderson.*]

The Biologist's Corner

EVER THINK OF YOURSELF AS FOOD SUPPLY?

New and fateful inventions again revolutionized humanity's relationships with the environment. Food production permitted a vast and rapid increase in the number of people, and soon sustained the rise of cities and civilizations. Human populations, once concentrated into such large communities, offered potential disease organisms a rich and accessible food supply that was quite as unusual, in its way, as the big game of the African savanna had been for our remoter ancestors. Micro-organisms in their turn could expect good hunting under the new conditions created by the development of human villages, cities and civilizations.

— *Plagues and Peoples*, by William H. McNeill
Garden City, NY: 1976, Anchor Press/Doubleday
ISBN 0-385-12122-9

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This speech was delivered in Los Angeles on April 25, 1994 and afterward Governor Wilson appeared at the conference in San Francisco reported on in the previous article by B. Meredith Burke.

Securing Our Nation's Borders

By Pete Wilson

I've come here this afternoon to announce that I will file suit this week against the federal government for its failure to control our nation's borders. It's not a decision I come to lightly. I would rather resolve this crisis in the Congress than in the courts. But the repeated failure of Congress to confront its responsibility to control illegal immigration and to prevent the terrible unfairness to state taxpayers and to needy legal residents has driven us to seek redress for our injuries in the courts.

The federal government's immigration policy is broken and the time to fix it is now. It's hard to blame people who day after day pour across our borders. They're coming to find a better life for themselves and their families. It's easy to sympathize with them and even admire their gumption. It is those in Washington that we should condemn — those who encourage the illegals to break the law by rewarding them for their illegal entry.

We are a state and a nation of immigrants, proud of our immigrant traditions. Like many of you, I'm the grandchild of immigrants. My grandmother came to this country in steerage from Ireland at age 16. She came for the same reason any immigrant comes — for a better future than she could hope for in the old country. And America benefitted from her and millions like her. But we, as a sovereign nation, have a right and an obligation to determine how and when people come into our country. We are a nation of laws, and people who seek to be a part of this great nation must do so according to the law.

The United States already accepts more legal immigrants into our country than the rest of the world combined — 1.8 million in 1991 alone.

We are a generous people. But there is a limit to what we can absorb and illegal immigration is now taxing us past that limit.

Thousands come here illegally every day. In fact, the gaping holes in federal policy have made our borders a sieve. President Clinton has used that very word to describe their porous condition.

The results are, in Los Angeles, there's now a community of illegal residents numbering a million people. That's a city the size of San Diego. Alone, it would be the 7th largest city in the nation — half again the population of our nation's capital, Washington, D.C.

Two-thirds of all babies born in Los Angeles public hospitals are born to illegal immigrants.

As we struggle to keep dangerous criminals off our streets, we find that fourteen percent of California's prison population are illegal immigrants — enough to fill 8 state prisons to design-capacity.

And through a recession that has caused the loss of one-third the revenues previously received by state government, as we have struggled to maintain per pupil spending and to cover fully enrollment growth with classrooms around the state bursting at the seams, we're forced to spend $1.7 billion each year to educate students who are acknowledged to be in the country illegally.

In total, California taxpayers are compelled by federal law to spend more than $3 billion to provide services to illegal immigrants — it's approaching 10 percent of our state budget.

To ignore this crisis of illegal immigration, as some would have us do, is not only irresponsible, but makes a mockery of our laws. It is a slap in the face to the tens of thousands who play by the rules and endure the arduous process of legally immigrating to our country.

It's time to restore reason, integrity and fairness to our nation's immigration policy. And we need to do it now. California can't afford to wait.

First, the federal government must secure our border. That's the first step in securing our future. They must devote the manpower and the technology necessary to prevent people from crossing the border in the first place.

Second, the federal government should turn off the magnetic lure that now rewards people who successfully evade the Border Patrol and cross the border illegally.

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And finally, until our representatives in Washington do act, until they secure the border and turn off the magnetic lure, they should pay the full bill for illegal immigration. The states shouldn't be forced to bear the cost for a failed federal policy that gives a free pass to those who breach our borders, then passes the buck to us.

Those who oppose reform invariably cry racism. They want to stifle even any discussion of the issue.

But this debate isn't about race, it's about responsibility and resources. Washington must accept responsibility for this strictly federal issue, and California must be allowed to devote our limited resources to those people who have come to our country through the legal process.

This isn't a partisan issue, or even simply a California issue. Washington's failure to bear responsibility for illegal immigration is forcing states around the nation to bear enormous costs.

And we have finally started to see some recognition of the problem in Washington. Working with our Congressional delegation on the Budget Resolution before Congress, we've secured the strongest Congressional statement yet for full reimbursement. It fully acknowledges federal responsibility for criminal aliens who have committed felonies under state law only because they were permitted to enter the country illegally by virtue of federal failure to control the border.

In the federal crime bill, the House of Representatives added amendments mandating federal incarceration of criminal aliens or reimbursements to states for the cost of their incarceration — but not until 1998! The official rationale for this four year delay in the arrival of the cavalry is that Congress requires the time to find a way to pay. Meanwhile, the states are to continue patiently laying out what is proportionately a far greater share of our budgets for what is acknowledged to be an exclusively federal duty.

On Friday [April 22], the Clinton Administration took a positive, but inadequate step towards reimbursing states for the costs of keeping alien felons locked up in state prisons. The $350 million authorized by the White House for all states is little more than half what is required according to the Congressional Budget Office estimate, and in fact is less than they owe California alone.

Another amendment to the crime bill authorizes the addition of 6,000 agents to the Border Patrol, but these House authorizations now must pass the Senate to take effect. And even then, they are just *authorizations*, just acknowledgments of the problem. Congress must then take the next step, *appropriation* — which means voting to actually cut a check to pay the costs imposed on the states by federal failure to control the borders and federal mandates to provide services to illegal immigrants.

And we've watched, time and time again, as Congress has authorized reimbursement in the spring, but then stripped out or failed to pass an appropriation, and left us holding the bag in the fall.

"This isn't a partisan issue, or even simply a California issue. Washington's failure to bear responsibility for illegal immigration is forcing states around the nation to bear enormous costs."

That's why we have launched an unprecedented offensive by a bipartisan coalition of seven states, including the five most populous, to pressure the Administration and Congress to do equity and honor the federal obligation to reimburse us. They should do so in the federal budget and appropriation bills.

But, we will not stand by and watch the political process fail once again, when we can wait no longer. So, in addition to pursuing reform in Washington, we are launching a series of lawsuits against the federal government starting this week. Unfortunately, Congress' track record of failure has compelled us to seek a remedy in the courts, even as we continue a bipartisan, multi-state effort to pressure the Administration and Congress to atone for and pay for their sins by corrective action both at the border and in the appropriation process.

In court, we'll seek two broad goals. First, that the federal government enforce our nation's immigration laws and secure our nation's border.

And second, that the federal government reimburse California fully for costs incurred when it fails to enforce the law.

Suing for reimbursement is not only a matter of fairness for state taxpayers, it's a matter of making

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the political process work for our nation.

Immigration and control of our nation's border are, by virtue of the Constitution, a strictly federal responsibility. But today, there is no fiscal accountability for that policy.

The Congress is writing blank checks on other people's bank accounts — and one of those accounts belongs to the taxpayers of California.

Congress must be forced to bear the fiscal consequences for its immigration policy. If they have to pay the bill for that policy, if they feel the pinch in the federal budget for which they alone are accountable to the voters, then and only then will they have the incentive to fix this policy that simply doesn't work.

"...the federal resources necessary to secure our nation's border are dwarfed by the billions that California and other border states spend today in making massive illegal immigration to America a safety-net for the world."

President Clinton has acknowledged as much himself. Last summer he said, "One of the reasons the federal government has not been forced to confront this ... is that the states of California, Texas and Florida have had to bear a huge portion of the costs for the failure of federal policy."

It's a fundamental element of democracy — a government must be held accountable for its actions.

And if the federal government were held accountable, they would quickly discover that the cost of ignoring the real and explosively growing problem of illegal immigration is far greater than the cost of fixing it.

They would see that the federal resources necessary to secure our nation's border are dwarfed by the billions that California and other states spend today in making massive illegal immigration to America a safety-net for the world. What's more, by compelling California to provide this safety-net for illegals, the feds are tearing gaping holes in the safety-net we seek to provide for our own needy legal residents.

For next year, the Clinton Administration proposes increasing spending on border enforcement across the country by just $180 million a year. We'll spend nearly 10 times that amount just educating illegal immigrants in California schools.

Last week I went to El Paso, where I saw firsthand a program known as Operation Hold the Line that has used a blockade to reduce illegal crossings by 75 percent.

I will concede that the same plan that has produced such success for the El Paso Blockade can't be precisely reproduced everywhere on the border. But the most important lesson to draw from El Paso is that we can control our border.

Those who say the effort is futile — those who say we should simply concede that people who want to cross the border will — are wrong.

But to secure our border, we first need a plan. Then we must devote the will and resources to carry it out, as they have in El Paso.

But the responsible officials in Washington fail to see the urgency of the problem.

INS Commissioner Doris Meissner recently said, and I quote, "There's nothing wrong in taking a year or two [to enact immigration reform.]"

Well, Ms. Meissner, I don't know what border you're looking at, but as the people who bear the cost for your failed policy, we can tell you that two years is too long to wait. Every day we wait, the problem grows worse.

That's why we're taking our case to court. Since we must, we will force the federal government to bear responsibility for its policies.

Our first lawsuit, to be filed this week, will seek reimbursement for the costs California bears for incarcerating alien felons in our state prisons. The price tag this year alone is nearly $400 million, and that doesn't include the costs from previous years, the capital costs for housing these criminals, or the costs to county governments.

But our suit will also seek to compel the federal government to do its duty to enforce immigration laws already on the books.

Specifically, we'll demand that the federal government be forced to take custody of the thousands of alien felons who have completed their sentences in state prison, but are back on the street, because the INS has failed to deport them. That federal dereliction forces California to supervise

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parole for 4,400 criminal aliens every day.

We'll demand that the federal government begin prosecuting alien felons who return to the U.S., currently a federal offense punishable by up to 15 years in prison, but one routinely ignored by federal officials.

And we will demand that federal officials be required to deport alien criminals to the interior of their home country and not continue the absurd practice of simply dumping them at the border, where all too often they simply re-enter the U.S. across the porous border and beat the bus back to Los Angeles.

We'll file additional suits in the weeks ahead to address other parts of the federal government's failed policy — a policy that has cost the taxpayers of California more than $10 billion in education, medical and prison costs for illegal immigrants since 1988.

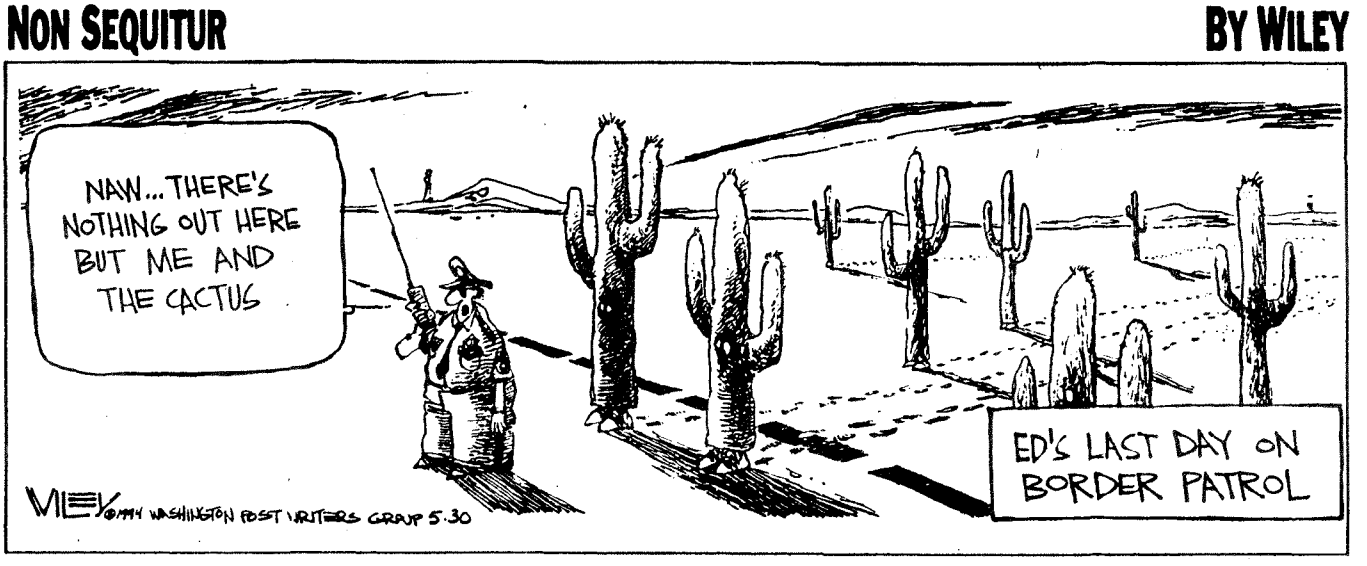
And I'm encouraging the cities and counties of California to also file suit to seek reimbursement for the costs owed to them by the federal government.

Our goal, though, is larger than simply seeking reimbursement — as important and as urgently needed as it is.

Our goal is to force the federal government to accept responsibility for the crisis of illegal immigration. Only when they accept responsibility will Congress finally adopt the reforms necessary to restore integrity and fairness to our immigration laws.

Once Congress is forced to confront this problem, I'm sure it will waste no time in doing what's necessary to secure our nation's borders.

And securing our nation's borders is the only way we can secure the future we want for California. ■


NON SEQUITUR
BY WILEY
NAW... THERE'S NOTHING OUT HERE BUT ME AND THE CACTUS
ED'S LAST DAY ON BORDER PATROL
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This presentation was given by Eloise Anderson, Director, California Department of Social Services, at the Pacific Research International Institute Conference held in San Francisco, April 25, 1994. Reprinted by permission. An analysis of the full conference begins on page 277.

California's Immigrant Population and the Costs of Social Services

By Eloise Anderson

California's ability to assimilate the immigrant population has been severely strained in recent years by extremely large numbers of individuals coming here and an almost complete absence of federal support. Immigrants arriving in California come as a result of federal policy decisions.

There are reports that suggest that the nation's immigration experience over the last decade is not extraordinary; both in terms of numbers and diversity, it fits within our historical patterns. These reports conclude, from a national perspective, the assimilation of these immigrants should be no more difficult than in the past, and the benefits historically associated with immigration will again be realized with our most recent immigrants.

I disagree with these conclusions. Our current immigration experience differs with our past national immigration experiences in ways that have profound effects on state and local governments.

1. The current immigration population includes an unprecedented number of individuals who have come here illegally.
2. Current arrival and resettlement patterns show that immigrants are predominantly locating in relatively few states and localities. This means that immigration is a significant concern in some states and a virtual non-issue in others.
3. Unlike the situation for earlier waves of immigration, the federal government now mandates that immigrants be eligible for most public assistance and service programs. These programs carry a required state and local fiscal commitment. This represents new governmental obligations for state and local taxpayers that did not exist in the past.

The present resettlement patterns and the new state/local fiscal obligations have combined to create vastly disparate impacts in the various states. The disproportionate impact of federal immigration policies, federal program mandates, and the rising tide of illegal immigration has hit California more severely than any other state.

Overview

Of the approximately 1.6 million refugees admitted to the United States since 1975, approximately 600,000, or 38 percent, reside in California.

Of the estimated four million illegal immigrants residing in the United States, nearly 2.1 million, or 52 percent, reside in California.

Of the approximately three million illegal immigrants granted amnesty under the 1986 Immigration Reform and Control Act, 1.6 million, or 53 percent, reside in California.

Totaling this up: of the approximately 8.6 million refugees and immigrants, legal and illegal, one half, or 4.3 million reside in California.

An equitable national distribution of the 8.6 million would result in just over one million living here.

"Our current immigration experience differs from our past national immigration experiences in ways that have profound effects on state and local governments."

If the rest of the nation reflected California's immigration situation, the numbers in the categories I have mentioned would total nearly 36 million. California's population would have to be 220 million

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for our state to have the same ratio between our immigrant population and our supporting and assimilating non-immigrant population that exists in the rest of the nation, and there are no signs of change. California's percentage of foreign-born is pushing past 22 percent, nearly 1.4 times the percentage of the next state, New York.

The percentage [of foreign-born] in our major urban areas is considerably higher. A University of Michigan study showed that in Los Angeles nearly 40 percent of the population is foreign-born and nearly one third have limited English.

In the Los Angeles school system, students speak more than 100 languages.

Aid to Families With Dependent Children

The Aid to Families with Dependent Children Program (AFDC) is our largest public assistance program. It provides cash benefits to nearly 2.5 million persons in California at an annual cost of over $6.1 billion.

Nearly 13 percent [of AFDC recipients] are refugees or the children of refugees. The Refugee Act of 1980 called for 3-years of full federal funding for refugee resettlement. California has received no federal funding for AFDC eligible refugees for four years. The annualized state AFDC cost estimate for refugees and their children who have been here for less than the three-year federal commitment is $43 million. Total state cost for all refugee families receiving AFDC will be $297 million this year.

"Children of undocumented aliens comprise the fastest growing portion of California's AFDC caseload."

The percentage of refugees in the AFDC population has been decreasing over the last several years, but still represents a considerable cost to California given the elimination of federal support. California's costs for refugees this fiscal year will be three quarters of the total national Refugee Resettlement budget of $400 million ... a budget which in this federal fiscal year, Congress decreased by $20 million from the President's request.

While the percentage of refugees is decreasing in AFDC, children of undocumented aliens comprise the fastest growing portion of California's AFDC caseload. These are children born in the United States to parents who are not eligible for financial assistance because they are here illegally. In 1988, they represented 2.4 percent of aided persons. Now it's 6.8 percent. Since July 1988, this group has accounted for 16 percent of all new aided persons in our caseload. This will cost California $236 million this year. These 176,800 children exceed the total AFDC population in 15 states.

In addition, the five-year bar on program participation for IRCA amnesty aliens has expired. We first saw an increase in AFDC caseload attributed to this group last year. Current year numbers more than double last year's experience. This will represent a state cost estimated to be $96 million.

The overall numbers of the child-only cases will decline now that the entire family is eligible. The remaining citizen child cases represent approximately 124,000 children and $161 million in state costs this year.

The state costs for AFDC grants and administrative costs will be $788 million this year.

Supplemental Security Income

Under federal mandate, most legal immigrants are eligible to receive Supplemental Security Income/State Supplemental Program (SSI/SSP). Refugees are eligible for SSI/SSP immediately following their arrival into the United States. The number of refugees receiving SSI/SSP in California has grown significantly in recent years.

The Refugee Act of 1980 called for a full three years of 100 percent federal funding for eligible refugees. This commitment has completely disappeared in recent years. In July 1987, refugees represented 3.4 percent of the SSI/SSP populations with annual costs of $64 million. This year it is expected to reach 6 percent of the caseload and result in state costs of $147 million.

There are several factors that explain this dramatic growth.

1. California continues to receive high proportions of the former Vietnamese political prisoners. Many come with significant mental health issues.
2. We are now receiving the aged parents, aunts, and uncles of refugees already resettled in California

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and increasing numbers of multi-generational families from the former Soviet Union. Many of these refugees qualify for SSI/SSP assistance as aged. They represent a larger proportion of our recent refugee arrivals.

3. We are beginning to see caseload increases because of the expiration of the public assistance bar for IRCA (Immigration Reform and Control Act of 1986) amnesty. This began to show up two years ago in our caseloads. The current-year state costs for IRCA recipients of SSI/SSP is expected to be $32 million. Total for SSI/SSP is $179 million this year.

Medical Care

The Medicaid Program (Medi-Cal) is not one of the programs for which I am responsible, but it should be considered in this discussion. Federal law passed in 1986 mandated that the states provide emergency medical care, including labor and child delivery, through the Medi-Cal to illegal immigrants who would be eligible for such service except for their citizenship status.

According to the Department of Health Services, in California, in the past 12 months, emergency and pregnancy-related medical care was provided to 390,000 illegal immigrants at a cost of approximately $763 million for this year. Forty percent of all Medi-Cal births (96,000 babies) are born to illegal immigrants in California.

General Assistance

Counties administer general assistance (cash grant and medical). It provides public assistance to people who are not eligible for AFDC or SSI/SSP and the counties bear 100 percent of the costs.

Data are not readily available since there are substantial differences among counties in program benefits and eligibility rules. But the counties serve nearly 5,000 refugees monthly at a cost of over $20 million annually.

Summary

The total state costs are about $1 billion. Other state costs that are not my responsibility are: incarceration costs for illegals at $400 million, and the cost of education for children of illegals which has been estimated to be $1.7 billion this year. These two alone equal $2.1 billion.

Please accept my assurances, and those of Governor Wilson, that we in the administration are not xenophobic or nativistic.

I do not know if 8.6 million persons is a reasonable number for our nation of 250 million plus to accept and assimilate, but I am convinced that 4.3 million is too many for a single state of 30 million to assimilate effectively! Certainly the costs of doing so are beyond our capacity to absorb without help.

I am convinced that our existing assimilation ability is hamstrung by federal practice that ignores our immigration laws by permitting an unchecked flow of illegal immigrants into our country. Over half of this population enters and resides in California. The problem is exacerbated by the almost total failure of the federal government to support its legal immigration decisions with federal funds to offset the costs of the resultant influx of immigrants. ■

Even JFK Recognized the Need for Limits

There is, of course, a legitimate argument for some limitation upon immigration. We no longer need settlers for virgin lands, and our economy is expanding more slowly than in the nineteenth and early twentieth centuries.

— John F. Kennedy, *A Nation of Immigrants*
with foreword by Robert Kennedy
New York: Harper Torchbooks
© 1964, the Anti-defamation League of B'Nai B'Rith

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The Public Costs of Immigration

by Wayne Lutton

The governors of California, Florida, Arizona, and, most recently, New Jersey have filed lawsuits against the federal government in an attempt to recover at least some of the costs they have been forced to incur due to the settlement of immigrants in their states. Other high-immigrant states, especially Texas, New York, and Illinois, may join the list. Despite claims by defenders of the status quo that immigration is a plus, the fiscal reality is that immigrants who have come to the United States since the passage of the 1965 Immigration Act — which opened the door to residents of the Third World — are generally less well-educated and possess fewer job skills and poorer command of English than immigrants of earlier eras. It should come as little surprise to learn that these newcomers are a net cost to U.S. taxpayers.

The most comprehensive analysis of the public costs of immigration has been prepared by Dr. Donald Huddle, professor emeritus of economics at Rice University. His study, *The Net National Costs of Immigration in 1993,* was commissioned by Carrying Capacity Network, a Washington, D.C.-based nonprofit organization that highlights population growth's impact on environment, resource conservation, and quality of life issues. Professor Huddle determined that in 1993, the 20.7 million legal and illegal aliens who have come to the United States since 1970 have cost this country more than $44 billion in direct and indirect public assistance, after subtracting the taxes the immigrants paid.

- A total of $32.25 billion was paid for direct public assistance and $11.92 billion for indirect worker displacement.
- Over 55 percent of the net national costs of immigration are attributable to *legal* immigrants.
- An estimated 2.35 million American workers were displaced from their jobs.

The largest public assistance programs used by immigrants include primary and secondary public education ($18.12 billion); Medicaid ($9.05 billion); net county and city costs ($6.88 billion); public higher education ($4.87 billion); and bilingual education ($4.1 billion).

If immigration is not reduced and access to publicly-funded programs not restricted, the cost of immigration is bound to rise. After subtracting the taxes the immigrants are expected to pay, the net cost for the decade 1994-2003 will likely come to at least $601.6 billion, or an average of $2314 for every American.

Dr. Huddle's findings have alarmed anti-restrictionist activists. In May, The Urban Institute issued a report, *Immigration and Immigrants: Setting the Record Straight* by Michael Fix and Jeffrey Passel. Underwritten by the Ford Foundation, the ARCO Foundation, the Mellon Foundation, and the U.S. Department of Labor, the authors claim that immigrants provide a boost to the economy and pay more in taxes than they receive in benefits.

In order to arrive at this conclusion, Fix and Passel had to overestimate social security payments made by immigrants and underestimate the benefits they received. They also failed to acknowledge that immigrants displace American workers, which adds to social welfare costs and lost revenues. Furthermore, the Urban Institute undercounted the immigrant population by not including immigrants and their children who have been added to our population since the 1990 Census. Other public infrastructure costs were in like fashion ignored. When the Urban Institute's estimates are revised to account for these outlays, their "surplus" is transformed into the deficit that Dr. Huddle confirmed.

Michael Mandel, writing in *Business Week* ("It's Really Two Immigrant Economies," June 20, 1994, pp. 74-78), admitted that refugees and illegal aliens are a burden to U.S. taxpayers, but then asserted that, "by contrast" the majority of legal immigrants "more than pull their own weight in the U.S. economy." It is hard to justify this claim, given that 63 percent of the foreign-born people who settled in the U.S. over the past decade have come from Cuba, Haiti, the Dominican Republic, Mexico, El Salvador, Guatemala, and Indo-China. They do not possess the education and skills needed by a developed country.

[Copies of Dr. Huddle's study and his critique of the Urban Institute report are available from Carrying Capacity Network, 1325 "G" Street, N.W., Suite 1003, Washington, D.C. 20005-3104, (202) 879-3044.]

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A California group called "S.O.S." (Save Our State) has been successful in placing an initiative on the fall ballot that proposes to bar illegal aliens from a variety of social services. We reprint the press release issued by S.O.S. on June 26, 1994.

S.O.S. Initiative Qualifies for November Ballot

The [California] Secretary of State's office announced today that the "Save Our State" initiative, co-sponsored by the Citizens for Legal Immigration Reform and the California Coalition for Immigration Reform has qualified for the 1994 November ballot.

The group turned in nearly 600,000 signatures, with representation from all 58 counties. According to the Secretary of State's office, this initiative has a validity rate of 84 percent, the highest validity rate ever achieved by an initiative in California.

This promises to be the hottest topic before the voters in the November election. It will be the first time the American public has had an opportunity to vote directly on an immigration-related issue. "By voting for the 'S.O.S.' initiative, we can begin to stop the flood of illegal aliens who are inundating California" states Ron Prince, a proponent of the initiative.

A *Los Angeles Times* poll in March showed 62 percent, including a majority of Democrats, support the controversial "S.O.S." initiative barring illegal aliens from a variety of social services.

The provisions of the initiative can be summarized as follows:

- WELFARE: Excludes illegal aliens from receiving public social services, and requires all public social service agencies to report to the INS any illegal alien who applies for public benefits.

- HEALTH CARE: Excludes illegal aliens from publicly funded health care (except for emergency care as required by federal law); public health care agencies are required to report any illegal alien to the INS.

- EDUCATION: Excludes illegal aliens from receiving educational benefits from elementary and secondary schools, as well as higher education. A transition period will be permitted for the illegal alien to return to his or her country of origin. Requires the educational institution to report any illegal alien pupil to the INS.

- FALSE DOCUMENTS: Makes it a felony to manufacture, distribute, sell or use false citizenship documents to obtain any benefits reserved for legal residents; provides for mandatory fines and imprisonments.

- LAW ENFORCEMENT COOPERATION: Requires the identification and reporting to the INS of any illegal aliens who have been arrested by local law enforcement. Requires the state Attorney General to report to the INS any illegal aliens the above agencies (welfare, social services, health care, education, local law enforcement) have identified.

In May of this year, the House Appropriations Committee refused to forbid illegal aliens from receiving government jobs or benefits, rejecting a move that sponsors said would save billions of dollars a year. The Democratic-dominated panel defeated the effort on a pair of voice votes.

"This is not surprising," comments Mayor Barbara Kiley of Yorba Linda. "Year after year, the California legislature has talked about doing something about the problems associated with illegal immigration and every year nothing is ever done to solve the problem."

Last year alone, Assemblyman Dick Mountjoy submitted five different bills dealing with the issues that are in the initiative concerning illegal aliens, and all were killed in committee. These same issues were introduced in the form of amendments 29 times and were defeated on the floor of the Assembly along partisan lines. "We felt it was time to do something about the situation since it was obvious that both the state legislature and congressional leadership were only giving this issue lip service," stated Assemblyman Dick Mountjoy. ■

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Ed Koch is the former mayor of New York City. These comments are from the New York Post *of June 17, 1994 and are reprinted by permission.*

An Absurd Invitation

By Ed Koch

As the son of immigrant parents who came to New York from Poland more than four score years ago, I am proud of the fact that the city remains a magnet for immigrants. This is the city that elected me as mayor and the state that elected Mario Cuomo, also the son of immigrants, as governor.

As mayor, I exhorted immigrants to come to the city — legal immigrants. But what I did then is quite different from what Gov. Cuomo and Mayor Giuliani are doing now.

Last week, after announcing that New York state would not be joining Florida and California in filing suit against the feds to recover costs of services to illegal immigrants, Cuomo said, "I want to negotiate with the government instead for a lot of reasons. And one of them is, frankly, when you bring a lawsuit on this issue, it sends out the wrong message. I love immigrants. Legal, illegal — they're not to be despised."

Who says anyone should despise them? That's silly. But if they're illegal and not entitled to political sanctuary, you send them back to their countries of origin. Why shouldn't New York state sue the federal government for the $1 billion or more it costs New York taxpayers to provide education and medical care for illegal immigrants? It's the feds who are failing in their responsibility to patrol the borders adequately.

You and I know the governor loves everybody in both hemispheres, but even he must realize there are limits — legal and moral — on how many immigrants can come here each year. Given their druthers, most of the world's population would like to come to the United States, and they don't need the governor's encouragement.

Giuliani went even further than the governor, saying, "Some of the hardest-working and most productive people in this city are undocumented aliens. If you come here and you work hard and you happen to be in an undocumented status, you're one of the people whom we want in this city. You're somebody that we want to protect, and we want you to get out from under what is often a life of being like a fugitive, which is really unfair."

No one denies that most immigrants, legal and illegal, are hard-working, and in recent years we have had an amnesty program that legalized the status of millions. But the mayor should not be advancing a policy that encourages immigrants to think of New York City as their safe haven. There are sections of the country that, bizarrely, have declared themselves sanctuary zones — open to all — exempting themselves from the federal immigration laws. Of course, that is a ridiculous and illegal posture. To date, New York City and state have not been a part of that anarchist philosophy.

"It is the obligation of federal authorities ... to apprehend illegals and deport them ... it is the feds who should be responsible for the costs of educating the children and providing medical care while they ... [await] deportation."

You may recall that when I was mayor, I said that illegal aliens should send their children to school and get medical assistance if they needed it, without fear of being turned over to the Immigration and Naturalization Service. My actions were based on reality. As long as the undocumented children are here, we have no alternative but to educate them, teach them values, and seek to prevent them from turning to crime. If they or their parents are ill and can't afford a private doctor, we have to provide medical care, instead of allowing them to suffer needlessly and perhaps spread diseases to others. Otherwise, we run the risk of adding huge numbers of people to the city's underclass, rivaling those living in the *favelas* overlooking Rio de Janeiro.

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It is the obligation of the federal authorities, who patrol our borders, to apprehend the illegals and deport them, not that of the New York City Police Department. It is the feds who should be responsible for the costs of educating the children and providing medical care while they are in the United States awaiting deportation.

What I did is a far cry from putting out the welcome mat, as the governor and mayor have done. Our generous immigration laws already allow more than 1 million people to legally enter this country every year, including some of those requesting political asylum. But the INS estimates there are 3.85 million illegal immigrants in this country, 510,000 of whom live in New York state.

In her poem affixed to the Statue of Liberty, Emma Lazarus wrote: "Give me your tired, your poor, your huddled masses..." but even Lazarus might have had second thoughts about issuing an open invitation to the world. If the line had cadence, perhaps she would have added, "A million a year is more than even I hope for."

By differing with Gov. Cuomo and Mayor Giuliani on this issue, am I breaking with them politically? Not at all. I don't require others to agree with me on everything. As a matter of fact, when I was mayor I used to say, "If you agree with me on 9 out of 12 issues, that's terrific. If you agree with me on 12 out of 12, see a psychiatrist."

I'm still rooting for the both of them. ■

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This item is from the Arizona Republic *of May 29, 1994 and is reprinted by permission.*

Wily "Coyote" Laughs at the INS

By Mark Shaffer

Although he has been deported three times for smuggling illegal immigrants into Arizona, Carlos Humberto Samayoa Lopez has scant respect for law officers.

Those who know him say Samayoa likes to belt down a few cold ones, talk about the stupidity of U.S. immigration officials, then brag about how he tears up all his traffic tickets.

That's hardly the worst of the problems presented by Samayoa, 42, a Guatemalan *coyote* — slang for a smuggler of illegal immigrants. His activities over the past decade illustrate the frustration that mires the Immigration and Naturalization Service.

INS investigators often complain that a "revolving door" of justice provides little incentive for going after *coyotes*. There is ample blame to spread: the courts, which must follow flawed immigration laws; the Border Patrol, which can't keep smugglers out; and the INS, which lacks the manpower to act effectively.

Consider Samayoa.

Since 1983, according to the INS and Guatemalans living in the Valley [Phoenix and environs], Samayoa has smuggled about 2,500 illegals to the Valley from his coffee-growing village of San Francisco Zapotitlan. His reward? About $3 million.

"He's got five large, brick houses in Guatemala," said Juan, a Phoenix resident who grew up with Samayoa and was smuggled here by him, and who did not want his last name used. "One of the houses he has in San Francisco is two stories with marble columns in the front."

To make the five-day journey from Guatemala to Phoenix, Juan said, Samayoa pays off two sets of Mexican customs officials, one at the Guatemalan-Mexican border and the second at a checkpoint south of Nogales. After crossing the border through holes in the fence at Nogales, Arizona, Samayoa moves the group north on Interstate 19 at a time when the Border Patrol does not staff a checkpoint north of Nogales.

According to INS records, a special operation, code-named Guatemala Express, was set up to nab Samayoa. Three times he has been arrested and deported. Samayoa was arrested in May 1991 on Interstate 10 near Tonopah and charged with transporting seven illegal immigrants. He pleaded guilty and was deported October 23, 1991. Two months later, Samayoa was back in Phoenix with another load of illegals. Arrested on a charge of illegal entry after deportation, he again was deported.

In August 1993, he was deported a third time after being arrested on the same charge.

But Samayoa keeps on trucking, bringing about 20 illegals on a 2,500-mile journey every two or three weeks. About half the Guatemalans remain in the Valley, Juan said, with the rest heading on to California.

The INS says Samayoa's son and nephew help him drive the 12 vehicles he owns and stores at various addresses in the United States and Guatemala. A niece operates "drop houses" in Phoenix for the immigrants he smuggles, and a friend provides them with fake documents so they can obtain welfare and health care.

The INS says Samayoa has been accused in Mexico of sexually assaulting women while en route to Arizona and of robbing others of their jewelry.

Guatemalan national police records show that in 1988, Samayoa was imprisoned seven months after he stole a pickup. Nine years earlier, he had been convicted of wounding a security guard with a firearm after the guard tried to take a friend of Samayoa's into custody.

In Arizona, authorities know of at least eight active cases in which Samayoa has been cited for driving on a suspended license. And that's not counting the various aliases he has used.

"This guy is a nightmare," one INS investigator said, "and we never seem to make any progress against him." ■

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On facing pages in its issue of June 3, 1994 the San Francisco Examiner *ran these two commentaries about immigration. They are reprinted by permission.*

Environment, Population and Government Responsibility

An Immigrant on Immigration Limits

by Yeh Ling-Ling

[*Yeh Ling-Ling, an immigrant from China, is now a U.S. citizen and the California Representative of Population-Environment Balance, a Washington, D.C.-based group.*]

California needs elected leaders capable of bringing real solutions to the serious problems facing the state: 9.6 percent unemployment, soaring budget deficits, overcrowded schools, persistent homelessness, growing congestion, urban sprawl and chronic water shortages.

Has any candidate running this year for state or federal office recognized that exponential population growth, fueled in part by excessive levels of immigration, is a major contributing factor to many of California's problems?

I am an immigrant and a former immigration paralegal. My experience here, watching rising poverty, homelessness and environmental degradation, has convinced me of our need to stop population growth — including reducing immigration. The latter contributes half of the U.S. population growth when immigration-related fertility is considered.

"It is urgent that Congress adopt a sensible immigration policy that would ... [take] into consideration economic needs and limited resources."

When the Statue of Liberty was erected, this country had 60 million people. Natural resources and job opportunities were plentiful. The economy was labor intensive. The social safety net, unlike today, was almost nonexistent.

But the United States now has 260 million residents. Poverty and homelessness are on the rise. Our schools and freeways are full. We have an oversupply of labor: more than 8 million workers are unemployed, and almost 5 million are underemployed.

Growth in California has been particularly pronounced. In just 30 years, the population has doubled to nearly 32 million. The consequences have been devastating.

Even if we could achieve a miraculous *growth management plan* to limit the environmental impact of continuous population growth, overpopulation will continue to put tremendous pressure on our labor markets, infrastructure and budgets. Water shortage in California, a common occurrence in the past, will only be worse in the future.

Donald Huddle, of Rice University in Houston, estimates that immigration as a whole since 1970 cost California taxpayers a net $18.1 billion in services and assistance programs, with nearly three-quarters of the total attributable to legal immigration.

The United States now has a national debt exceeding $4.5 trillion. We have 37 million poor who do not live the American dream.

We should not continue an immigration policy that allows, every year, nearly 200,000 legal immigrant children to enter our overcrowded and under-funded public schools, hundreds of thousands of low-skilled legal immigrant workers to join our labor markets and compete with our own low-skilled workers, and tens of thousands of elderly legal immigrants who depend on welfare.

Because our economy needs highly skilled workers to compete in a global economy, this nation's priority should be to educate our children and train or retrain our own poor, homeless and unemployed.

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It is urgent that Congress adopt a sensible immigration policy that would allow the United States to maintain its tradition as an immigrant-receiving nation while taking into consideration economic needs and limited resources.

An all-inclusive, replacement-level immigration ceiling of 200,000 people a year is proposed by Population-Environment Balance. This level is still higher than the average legal immigrant admissions from 1930 to 1960.

Population-Environment Balance supports the Immigration Stabilization Act of 1993, which would substantially reduce legal immigration and offer measures to curb illegal immigration and asylum fraud.

Balance also supports the Immigration Moratorium Act of 1994, which calls for a moratorium on many categories of immigration. We need a moratorium to fully assess the various impacts of our current immigration policy.

The majority of Americans, including 78 percent of Latin Americans, supports cuts in legal and illegal immigration. A majority of black Americans also believes that current levels of immigration are too high.

It is high time that politicians understand that immigration is not a racial issue, but an environmental, social and economic one. ■

Seal the Border for Mexico's Good

by Elias Castillo

[*Elias Castillo, a former San Jose* Mercury News *reporter, teaches journalism and writes from Redwood City, CA.*]

For decades, America has helped take care of Mexico's wretched poor who are fleeing the hopeless squalor and corruption of their country.

Millions of Mexicans have fled nightmarish slums and illegally crossed into the United States in search of a better life. A few have succeeded economically. Most have not. Despite living in poverty in the United States, they are still a step up from the misery of being poor in Mexico.

Mexico's rulers have coldly counted on the United States to absorb the downtrodden, whose migration acts as a safety valve, easing pressures for reform in the nation to our south. Yet if those millions of poverty-stricken Mexicans were forced to remain in Mexico, it is likely they would demand massive reforms against the dishonesty and inefficiency that has made a misery of their lives.

Reforms in Mexico must be made because the United States cannot continue caring for the citizens of another country while it tries to ease poverty among its own people.

"All nations have a responsibility to improve life for their citizens, and Mexico has tragically failed to fulfill that basic mandate."

Already, Florida and California, in lawsuits filed against the federal government, say they cannot continue spending billions on health care, education and incarceration of illegal migrants. They demand that the federal government compensate them for those costs.

Meanwhile, Senator Barbara Boxer, D-California, and Governor Wilson have called on the U.S. government to seal the border with Mexico.

Their idea makes sense. While adding border guards will probably evoke protests from Mexico, it could also force its government to begin caring for its own citizens, rather than shoveling them across the border like so much offal.

All nations have a responsibility to improve life for their citizens, and Mexico has tragically failed to fulfill that basic mandate.

The Mexican government, time and again, when confronted with its seeming lack of concern for its citizens, has pleaded that it is a poor nation, overpopulated and with scarce resources to properly care for them.

However, this is difficult to believe since the Mexican economy in recent years has spawned 12 billionaires, dozens of millionaires and hundreds of other wealthy citizens.

The demand for reform reached a peak on New Year's Day when Indians in Mexico's state of Chiapas rebelled and demanded social, educational and political change in their poverty-wracked state. The revolt embarrassed the Mexican government, which quickly acceded to many of the Indians' demands.

The Indian protest prompted millions of others

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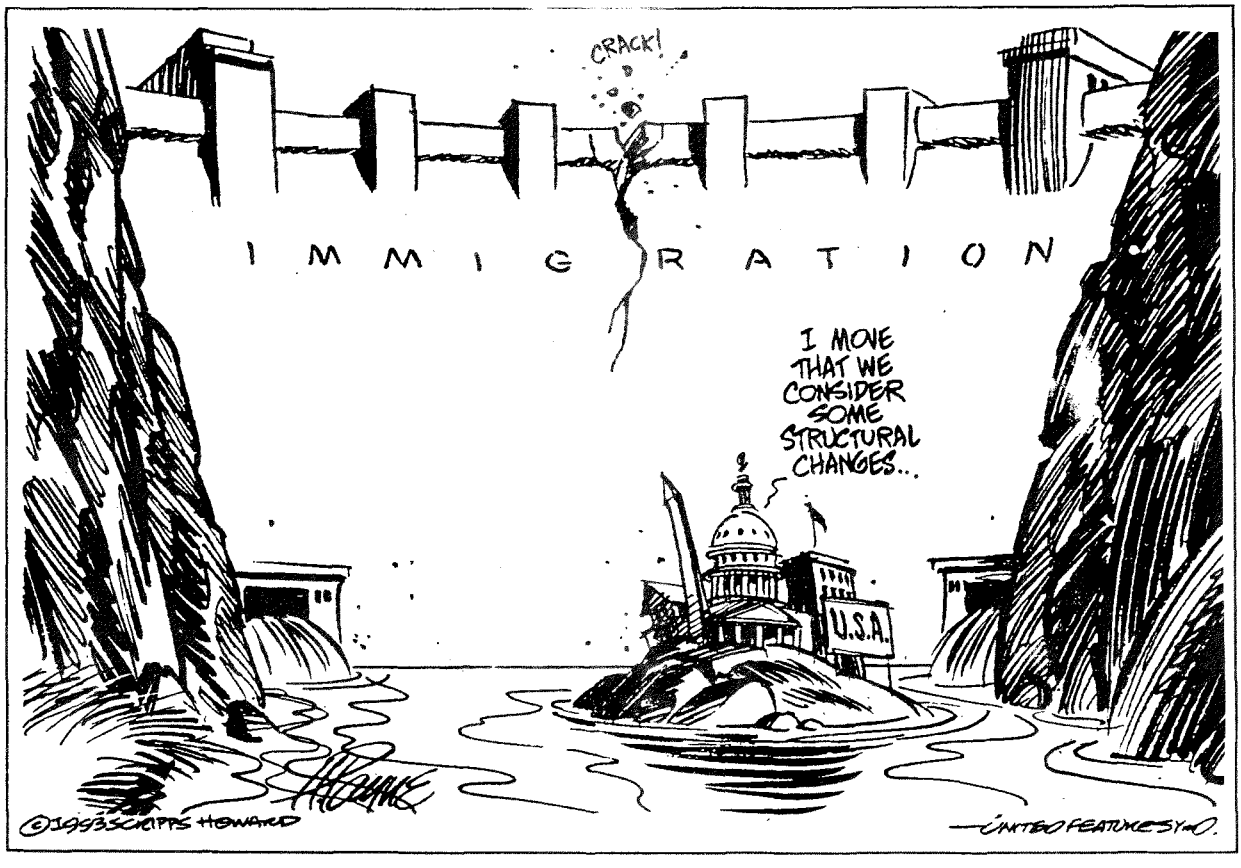
to demand similar reforms nationwide. That protest was also voiced May 12, in Mexico's first debate between the three leading candidates in August's presidential elections.

Cuauhtemoc Cárdenas, the top candidate of the leftist Revolutionary Democratic Party, and Diego Fernandez de Cevallos, of the conservative National Action Party, launched a blistering attack on the Institutional Revolutionary Party, known by the Spanish acronym PRI, that has ruled Mexico for 65 years and has been described by its opponents as a brutal, repressive and corrupt institution.

This may be the ideal time for the United States to seal the border while offering Mexico new economic aid to help provide a better life for its people. PRI opponents who have sought support from the United States would gain millions of reform votes from those forced to stay in Mexico. These new voters would go a long way toward helping the country establish a healthy two-party system, paving the way for true democracy.

Unless the border is sealed, the United States will continue focusing its attention and anger on the unfortunate undocumented workers from Mexico instead of on the real culprit: the Mexican government.

This country cannot continue being the dumping ground for the poor of a neighbor whose government has allowed its rich to get richer while its humblest citizens are handed a road sign pointing north. ■



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This is a partisan tract, but it serves to highlight another drain on the treasury by immigrants. See Representative Santorum's reference to a "third demographic group." His opinion piece appeared in The Washington Times *on May 12, 1994 and is reprinted by permission.*

Do We Know What "SSI" Spells?

By Rick Santorum (R-PA)

House Republicans are today introducing what is potentially the most important piece of social legislation, other than health care, to be considered by Congress this year. Amidst all the sound and fury over welfare reform, with the exception of a few notices on the nation's editorial pages, virtually no one is discussing changes in an obscure welfare program called Supplemental Security Income (SSI).

Some obscurity! SSI is costing taxpayers $29 billion this year, up more than $10 billion in constant dollars in just three years. And yet few Americans even know what SSI spells.

Created by Congress in 1972, Supplemental Security Income provides an entitlement benefit for two groups of Americans — poor elderly and disabled individuals. Why these two groups? Because age and physical or mental impairment reduce the ability to work. Beneficiaries receive a monthly check of $436 if they're single, or $669 if they're married. In addition, they receive Medicaid, which is worth about $8,000 for the elderly, $7,000 for the disabled. So the package of benefits is worth a minimum of $12,000 per year, much more for couples.

"Congress allows illegal aliens to qualify for welfare benefits in SSI and several other programs."

SSI's spectacular growth has been driven by three primary demographic groups. The first and most shocking group is addicts. SSI law stipulates that people with drug or alcohol addictions that are severe enough to interfere with their ability to work are by definition disabled and therefore eligible for SSI benefits. These addicts may be disabled, but they are not too spaced out to recognize a good deal when they see one. In 1985, there were 4,700 addicts on SSI; by the end of 1993 that number had grown to 79,000. The word is getting around.

Before it gets around much more, Congress must question the very basis of SSI policy on addicts. Giving money and health insurance to people because they have damaged themselves by using drugs is unwise social policy because it taxes productive citizens to reward other people for rotten behavior.

Two changes make sense. First, we should subject people who have drug-related conditions to periodic blood tests. If they test positive for an illegal substance, they should be dropped from SSI. Second, the SSI benefit should be converted from cash to vouchers for treatment. Providing cash to addicts does not address their major problem, and in fact, enables them to continue and even intensify their drug habit.

The second demographic group causing SSI spending to mushroom is children. Since 1990, the number of children receiving SSI has increased from 287,000 to about 650,000.

Why children are even eligible for SSI is something of a mystery. The underlying concept of SSI is that if people are too old or too disabled to work, SSI provides a substitute for wages. But children are not expected to work; the basic rationale of SSI doesn't fit.

Worse, several congressional Democrats have testified recently that families in their districts are coaching their children to act as if they have a disability — particularly attention and behavioral disorders — so they can qualify for SSI cash and medical care. These abuses of the program have been encouraged by recent changes in the rules under which children's SSI eligibility is determined. Essentially, children can now qualify if they cannot engage effectively in age-appropriate activities.

An additional problem with providing cash to families because they have a disabled child is that there is no assurance that the cash will actually be used to help the disabled child. The concern of

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Congress is to help disabled children get treatment for their condition at public expense. Thus, we should convert the entitlement for cash into vouchers for treatment, thereby removing the incentive to cheat in order to receive the cash benefit. No one wants to deprive children of needed treatment, but cash subsidies for other family spending is not what Congress intended.

The third demographic group abusing SSI is non-citizens. Immigrants should — and most do — come to America for opportunity, not welfare. We offer immigrants a straightforward deal: Come to America and enjoy immense personal freedom and gain access to the world's most productive economy. However, until you become a citizen, you must support yourself or be supported by a sponsor who signs an affidavit agreeing to meet your basic needs.

And yet, through the typically bizarre legislative process, Congress also allows illegal aliens to qualify for welfare benefits in SSI and several other programs. The result? In 1982 there were about 128,000 non-citizens on SSI. Last year there were 683,000, 60 percent of whom were elderly. Once on SSI, non-citizens are automatically eligible for Medicaid. Most are also eligible for Food Stamps. It is no surprise that we spend around $8 billion per year on welfare benefits for immigrants.

The solution to this hemorrhaging of tax dollars is simple: End welfare for non-citizens. Remember, the deal we offer immigrants does not guarantee access to welfare benefits. In fact, deportation for accepting public aid has always been a basic tenet of American immigration policy. The bill Republicans are introducing today will save the federal government $4 billion per year by ending taxpayers' responsibility for giving SSI payments to noncitizens. Subsequent legislation could go further.

Democrats in the administration and on Capitol Hill seem reluctant to address the SSI travesty. Democrats on the House Ways and Means Committee rejected nearly all these proposals when Republicans offered them last week, thereby killing what might be the last chance for House action on SSI this year. Similarly, the administration has been floating welfare reform proposals for several weeks, but so far not a word about the billions in wasted SSI spending.

Too bad. Taken together, the SSI reforms we are introducing today would cut the budget deficit by a minimum of $30 billion over the next five years. Equally important, they would prevent the federal government from inflicting additional harm on the very people the SSI program is supposed to help. ■

India on World Population Day

From New Delhi came a report featured in [Australia's] *Canberra Times* of July 12, 1993:

> India, the world's second-most-populous country after China, observed World Population Day yesterday with ritualistic calls by politicians for a halt to the endless baby boom. The government minted a special two-rupee coin inscribed with the slogan "Small Family, Happy Family" and issued advertisements highlighting the population challenge and methods of birth control. India has more than 885 million people, 16 percent of the world's population. Forty-nine babies are born every minute and more than 17 million people are added every year to the country's numbers.

— From the newsletter of Australians for an Ecologically Sustainable Population

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Bruce Fein is a Washington, D.C.-based attorney who falls close to the "open borders" end of the spectrum of opinion on immigration. We thought our readers would like to see how far these ideas can take someone, together with an evaluation of his thought process. This item and a letter to the editor are reprinted from The Washington Times *of June 1 and June 8, 1994.*

Seeking a Fair Deal for Women Refugees

By Bruce Fein

Post-revolutionary Iran is emblematic of the persecution that millions of women abroad confront — women who should be entitled to asylum in the United States.

As documented by Halah Afsher's investigations of the plight of Iranian women, Ayatollah Khomeini inaugurated laws that "reduced them to the status of privatized sex objects required by the new religious order to be at the disposal of their husbands at all times."

Halah Afsher noted that "[t]heir mere presence in public was described as 'seditious,' and "they were required to don the Islamic *hijah*, covering them from top to toe and to return to the home." Infractions of the dress code were made punishable by 74 lashes. The testimony of women was rendered inadmissible in court unless corroborated by men, and those who were temerarious enough to give evidence were presumed mendacious and exposed to punishment for slander.

The statute in the United States governing asylum needs amending to ensure a square deal for females fleeing from persecution like that in Iran. The current law is too uncertain, it invites caprice and delay in addressing asylum claims founded on gender discrimination, and denies women guidance in gathering evidence to support their cases. Congress should awaken to the widespread androcentric and occasionally misogynist character of the global economy.

The Refugee Act of 1980 entitles persons to asylum in the United States if they are unwilling to return to the native lands "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion." The law is administered by the Immigration and Naturalization Service, an agency neither renowned for mastery of conditions overseas nor for attracting keen and acute minds.

Gender-based claims of persecution have been presented to INS on the awkward theory that common gender constitutes "membership in a particular social group." Generally speaking that theory has won acceptance, although a federal court of appeals in *INS v. Gomez* (1991) declared: "Possession of broadly based characteristics such as youth and gender will not by itself endow individuals with membership in a particular social group." That declaration seems persuasive because otherwise the concept of social group would make redundant the preceding categories of race and nationality.

Legal clarity is urgent in asylum law. Many will shun the daunting hazards of flight from persecution abroad if their qualification for asylum in the United States is problematic. And the vast majority of would-be refugees unsteeped in asylum jurisprudence are probably doubtful that common gender qualifies as a particular social group.

Congress should thus amend the Refugee Act to include persecution on account of gender as an express avenue of asylum. In 1992, Congress enacted a similarly-clarifying amendment to ensure evenhandedness and attention to asylum claims advanced by aliens fleeing the independent states of the former Soviet Union, the Baltic States, Vietnam, Laos and Cambodia, with special categories for Jews, Evangelical Christians, and members of either the Ukrainian Catholic Church or the Ukraine Orthodox Church.

The 1980 Act is also deficient in neglecting to define persecution. That omission handicaps a would-be refugee from gathering evidence abroad pivotal to a successful asylum claim. A comprehensive and

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exclusive definition of gender-based persecution is neither feasible nor desirable. But a statutory enumeration of guidelines would be exceptionally constructive. The following harms should qualify per se as gender-based persecution: rape; sexual abuse; genital mutilation; bride-burning; forced marriage; sweeping restriction on female educational, professional or employment opportunities; humiliating sumptuary codes governing female dress, marriage, public behavior, or otherwise; serious violations of provisions of international human rights covenants that address gender discrimination; and denial to females of effective access to courts to redress legal wrongs.

"Congress should direct the assistant secretary of state for human rights to compile a list of nations earmarked by systematic degradation of women..."

Under general rules of asylum law, a well-founded fear of persecution that justifies asylum may be instilled either by government or private entities or persons. If the latter, the fear may arise because the government is either unable or unwilling to enforce the law against the wrongdoer, such as a requirement in the Muslim Sharia law that rape be proven by four eye-witnesses, or systematic nonenforcement of laws punishing spousal brutality. Also pertinent to proving a well-founded fear is whether the female claimant sought and was denied protection by her home government, and whether that government remained passive despite knowledge of actual or impending harm.

The Refugee Act needs amendment to incorporate these asylum standards and criteria in express language. The benefits would be twofold: asylum judges would be better guided in evaluating asylum claims; and, more importantly, claimants would be alerted before fleeing their homelands of the type of evidence essential to proving a right to asylum. The latter task is ordinarily infeasible once the claimant has reached the United States.

Congress should further direct the assistant secretary of state for human rights to compile a list of nations earmarked by systematic degradation of women through law, custom or practice. A reasonably particularized description of the degradation should accompany each listed nation. The list would be available to INS to assist in resolving gender-based asylum claims.

Many valid types of claims defy foreseeability. But by providing important clarity, the amendments would guarantee a square deal for women seeking asylum.

Who could be opposed to that?

And in Response:

Your Genius Columnist Wants to Extend Refugee Status to Half the World

I read with total astonishment Bruce Fein's June 1 column, which proposes to expand the Refugee Act to include women as a special class. In fact, I had to reread the piece, believing at first that it was written tongue-in-cheek.

What exquisite timing! During a period of strong backlash against the current immigrant flood, Mr. Fein wants to extend refugee status to literally half the Earth's population. Such a plan would allow women to apply for refugee status because of forced marriages, lack of educational and professional opportunities, dress codes and restrictions on public behavior. Oh please! The original concept of granting political asylum to someone fleeing for his life has already been twisted beyond recognition. What next, refugee status for Canadians escaping socialized medicine?

The only winners here are the immigration lawyers who desire an ever-expanding number of potential clients to tie up our already overburdened asylum system. Ongoing and potential abuses to our immigration laws and policies are the root causes of the anti-immigrant tide now sweeping this country.

Reasonable numbers of immigrants enhance and add vitality to American society. Abusers of the system, like Mr. Fein, are a destructive element who will bring about a total end to immigration. While that result would be unfortunate, at least immigration lawyers would be forced into a more useful line of work.

Andrew McDavid
Herndon, VA

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Mark Wegierski, a previous contributor, is a Toronto-based writer, historian and permanent associate of the Canadian-Polish Research Institute.

Toward Green Conservatism

A Book Review by Mark Wegierski

BEYOND THE NEW RIGHT:
MARKETS, GOVERNMENT AND
THE COMMON ENVIRONMENT
By John Gray
London and New York: Routledge
195 pages, $34.50

John Gray, a professor at Jesus College, Oxford, has long been identified with the conventional, pro-capitalist, Anglo-American rightwing — for example, by being a regular contributor to *National Review*, and to various free-market think-tanks in Britain. In this book, particularly in its last section, "An agenda for Green conservatism", he breaks decisively with the heritage of Hayek, Nozick, and ultimately, Adam Smith and Locke. (Despite their comparative earliness, Locke's writings imply, according to theorists like Fukuyama, "accumulation without end.") This book is the capstone of a systematic examination and critique of the various forms of liberal political theory (which extend from the right-wing liberalism or libertarianism of Nozick to the Left-liberalism of Rawls, Ronald Dworkin and their successors), begun with *Liberalisms* (1989) and *Post-Liberalism* (1993). It is one of those rare books that is intensely scholarly while also engaging forthrightly and directly with some critical aspects of the period of late modernity in which we live.

The "New Right" under examination in this book is neither the populist American New Right of Richard Viguerie, nor the eclectic, anticapitalist and cultural European New Right of Alain de Benoist, but rather the neo-liberal (i.e. neo-capitalist), classical liberal, libertarian, and neoconservative tendency that rose to prominence in Britain and America under the auspices of Thatcher and Reagan, centered on the exaltation of the market, market-solutions, and unlimited economic growth as the panacea for the deep-rooted crises of these societies.

The book is divided into an introduction, four long essays, notes, and an index. It has generated a fair amount of commentary, including a review in *The Economist* (August 14, 1993, p. 87), and a cover-article in *National Review*, "Growth Without End, Amen?" by Fred Charles Iklé (March 7, 1994, pp. 36-44), which echoed its central arguments, and explicitly referred to the book in support of them.

The concluding essay stands at some variance with the preceeding three, which had been published earlier in other fora. In "Limited government: a positive agenda" (pp. 1-45) while the libertarian minimal state is criticized, some of the solutions offered seem distinctly libertarian: the possible privatization of the provision of money-supply (as suggested by Hayek); the elimination of taxes on corporations; and the lowering of taxation to a flat tax of 15 percent, plus a comprehensive VAT of 15 percent. In "A Conservative Disposition: Individualism, the Free Market and the Common Life" (pp. 46-65), unrestricted free-market dogma is trenchantly attacked. In "The Moral Foundations of Market Institutions" (p. 66-123) stress is put on the moral and social *context* that makes the market possible, implying the necessity of a truly "enabling welfare state" (as opposed to the welfare state in its contemporary incarnations). The "social market economy" enunciated by the post-World War II Freiburg School in West Germany is seen as a possible positive model — while libertarianism, egalitarianism, market socialism, and the socialist command-economy are rejected.

"The necessity of a worldwide immigration and population control policy is stressed."

However, it is the fourth section (pp. 124-177) that is certainly revolutionary. It attempts to identify a possible convergence of truly conservative and truly ecological thought:

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Green theory is an invaluable corrective of the Whiggish, anthropocentric, technological optimism by which all the modernist political religions are animated and which has, in the form of neo-liberalism, even infected most of what passes today as conservatism (p. 177).

My argument has been that there are many natural affinities between conservative philosophy and Green thought...Conservatives must learn from Green thought that the promise of open-ended global growth...is delusive; instead they must turn their attention to the sources of legitimacy by which social institutions could be sustained in a stationary-state economy. In repudiating...neo-liberalism, conservatives are merely returning to an older and sounder Tory tradition, which perceived the illusoriness of the sovereign, autonomous chooser of liberal theory, and so insisted on the primacy of the common life. The importance of Green thought for conservatives today is that it recalls them to their historic task of giving shelter to communities and reproducing them across the generations - in a context of finite resources which dictates stability, not growth, as the pre-eminent conservative value (p. 173).

The "stationary-state" is advocated as an alternative to the ceaseless inflammation of the desire for perpetual economic growth. John Stuart Mill's passages in support of a stationary-state economy are quoted (pp. 140-142) — an inspired piece of scholarship, citing the well-known epigone to contrary ends. The necessity of a worldwide immigration and population control policy is stressed. In energy policy, Gray argues for a rejection of the nuclear taboo common among Greens, while in agriculture he points out the destructive processes of "agricultural industry" as probably one of the greatest threats to the biosphere. He very sensibly argues for policies that would enhance and preserve the patterns of traditional rural agriculture in the Third World, rejecting a model that tries to mimic the processes of Western industrialization. In urban and transport policy areas, Gray inveighs against the car, calling for transport alternatives. He also calls for very strong planning controls in urban centres, that will try to keep these places liveable.

Gray also cites the remarkable and surprisingly tough-minded Green theorist (who, for example, does not unqualifiedly oppose nuclear power) James Lovelock (*The Ages of Gaia*, Oxford: Oxford University Press, 1988, p. 212), in a passage which is a fitting riposte to some of those squishy-soft hippie Greens:

Gaia, as I see her, is no doting mother, tolerant of misdemeanours, nor is she some fragile and delicate damsel in danger from brutal mankind. She is stern and tough, always keeping the world warm and comfortable for those who obey the rules, but ruthless in her destruction of those who transgress. Her unconscious goal is a planet fit for life. If humans stand in the way of this, we shall be eliminated with as little pity as would be shown by the micro-brain of an intercontinental ballistic missile in full flight to its target (p. 173).

Gray argues it would be far preferable to take the strong, necessarily authoritarian measures to curb humanity's population growth and hypertrophic consumption before the homeostatic defenses of the natural world actually kick in.

Throughout the book, Gray is particularly critical of the United States as embodying all the worst aspects of a future he would seek to avoid. He frequently refers to the collapse of American urban life. He makes the particularly cutting observation:

...the decline of the United States into a sort of chronic, low-intensity ethnic civil war, a proto-Lebanon held together only by a dwindling capital of legalism, called into question the Enlightenment project of citizenship grounded in universal principles and excluding the contingencies of historical identity (p. ix).

Gray's essential argument is for a regrounding of human social experience in history and Nature. If we want to live in an even minimally civilized society, there will simply be no room in the future for growth without end and ever-more-expansive rights-doctrines. His book can be taken as a salutary warning for the soft denizens of today's socially and culturally disintegrating — and ecologically destructive — America and West.

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From *Beyond the New Right* by John Gray

Unlimited Population Growth Is Not a "Conservative" Policy

It is scarcely a conservative point of view to value the quantity of human beings in the world over the quality of their lives; to prefer a crowded world choked with noise and filth to a world of space and amenity that is peopled on a smaller scale; or to deny the human need for solitude and wilderness. All of these conservative considerations mandate a policy for population when, as now in most parts of the world, medical progress has removed natural constraints on overpopulation.

Immigration Undermines Stability

... a policy of *laissez-faire* in immigration, by undoing settled communities, mixing inassimilable cultures and thereby triggering dormant racisms, would serve only to undermine the political stability on which successful market institutions depend for their existence; yet such a policy continues to be advocated by fundamentalist liberals who cannot, or will not, perceive that labor is a factor of production which is categorically distinct from others, inasmuch as it is wholly constituted by human beings, whose relations with each other are not at all like those of different sorts of assets in a global portfolio.

Free Trade vs. Communities

Global free trade as envisaged, say, in recent GATT discussions, can often have disastrous effects on local and regional communities, wiping out entire ways of life while supplying no sustainable alternatives.

"Growth" Mania Not a Conservative Virtue

The prospect of open-ended growth in the quantity of goods, services and people is in any case hardly a conservative vision. Though the eradication of involuntary poverty remains a noble cause, the project of promoting maximal economic growth is, perhaps, the most vulgar ideal ever put before suffering humankind. The myth of open-ended progress is not an ennobling myth, and it should form no part of conservative philosophy. The task of conservative policy is not to spread the malady of infinite aspiration, to which our species is in any case all too prone, but to keep in good repair those institutions and practices whereby human beings come to be reconciled with their circumstances, and so can live and die in dignified and meaningful fashion, despite the imperfections of their condition. Chief among all of the objects of conservative policy, for this reason, is the replenishment of the common life; the shared environment in which, as members of communities and practitioners of a common culture, people can find enjoyment and consolation. ... It is a cardinal element in my argument for the consilience of conservative philosophy with Green thought that both reject the modernist myth of progress, and for very similar reasons.

On "Growth"

Modernist political faiths which advocate the unlimited growth of population, production and knowledge — political religions such as Marxism and liberalism — are effectively in rebellion against every truth we have established about order in the natural world. Only a sort of secular, humanistic fideism — not any rational assessment of the human lot — could support the otherwise groundless conviction that our species is exempt from the natural constraints that govern every other species of which we have knowledge. The idea of progress is rightly anathema to the most reflective Green thinkers, one of whom has stigmatized it as expressive of 'the anti-way', the way downwards, to entropic disorder and final extinction.

On "Progress"

"Progress is movement for movement's sake." No view of human life could be further from either Green thought or genuine conservative philosophy. The modern conception of progress is only one symptom of the hubristic humanism that is the real religion of our age. As against that debased faith, both conservative and Green thought have, as their ideal, peace and stability. They seek a form of society that is sufficiently at ease with itself that its legitimacy does not depend on the illusory promise of unending growth. ... Securing the legitimacy of political and economic institutions in a stationary-states society, which is without open-ended growth in population and production, is a hard and central problem for policy, which ought to concern Green thinkers as deeply as it should conservatives.

A Future of Migration Wars

Where the local religion puts a premium on large family size, and anathematizes contraception and abortion, as with some varieties both of Roman Catholicism and of Islam, we may expect the demographic transition to be slow and slight, or else indefinitely delayed — as appears to be the case in parts of Latin America and North Africa. Such differences in the rate of demographic transition will magnify existing disparities in population size. They will generate waves of illegal immigration — of the sort already occurring from the Maghreb in Africa to Southern and Western Europe — that are likely to have highly destabilizing effects on both the recipient societies and the societies subject to such hemorrhagings of population. It is not difficult to foresee major military conflicts occurring as a result of actual or prospective population movements of this sort.

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Robert Birrell is a reader in sociology at Australia's Monash University and is one of the founders of the immigration reform movement in Australia.

Chinese Chain Migration

A Book Review by Robert Birrell

CHINATOWN: THE SOCIO-ECONOMIC POTENTIAL OF AN URBAN ENCLAVE
By Min Zhou
Philadelphia: Temple University Press, 1992
300 pages, $44.95

This book provides some important insights into the process of chain migration from the People's Republic of China (hereafter China) to the United States. The Australian interest in this arises from concerns about the likely scale of chain migration resulting from the Australian government's November 1993 decisions regarding Chinese asylum claimants. The government decided to grant permanent residence to the 28,000 who were in Australia at the time of Tiananmen in June 1989 plus their spouses and dependents who had moved to Australia by November 1993, and to grant a selective amnesty to an anticipated 10,000 who had arrived in Australia after June 1989 and who have since applied for asylum (and in most cases were turned down by our refugee tribunals). There is no Australian experience with Chinese chain migration, because prior to the current amnesties there were very few persons from China holding permanent residence status in Australia.

The USA is different. There is a substantial pioneer Chinese community in the USA. It is also growing rapidly. According to the 1992 Statistical Yearbook of the U.S. Immigration and Naturalization Service (INS), the number of migrants granted green cards whose last country of permanent residence was China increased from 22,604 in 1990 to 29,554 in 1992. The dynamics of this growth and its settlement consequences in the U.S. is, to say the least, of some moment given the huge Chinese population base.

Zhou's book is illuminating on these issues. She concludes that there is widespread desire to leave China. This is not just a consequence of the vast per capita income differentials between China and the United States, but also, Zhou argues, to a pervasive dissatisfaction with the way the Chinese regime constrains occupational opportunity and political freedom. But aside from illegal movements (on which Zhou is silent) those anxious to leave need to find a way through both the Chinese exit procedures and U.S. migration regulations.

At the Chinese end, Zhou reports that restrictions on exit permits withered during the 1980s, so much so that almost all those currently applying to leave are being approved. However those with undergraduate degrees need to complete five years service or pay back some of the cost of their education before being allowed to depart, and some among the professional elite are simply banned from leaving on "brain drain" grounds.

The real barrier for most would-be migrants is the U.S. entry regulations. Most Chinese enter via the family categories, with the largest single group being female spouses. Zhou indicated that there is an ample supply of Chinese women anxious to migrate. Indeed she notes that many are prepared to marry a virtual stranger as long as he possesses a green card. These marriage links now reach deep into rural China, thus moving essentially peasant folk with no English and little formal education into the heart of the developed world.

Spouse migration is the key to further extensions of the migrant chain because it opens up new links to parents and siblings. In the case of the Chinese women Zhou interviewed, once they become naturalized (after just 3 years if they have married a citizen or 5-6 years if they have not) they regard it as their duty to immediately petition for their parents (who are exempt from any restrictions) and their siblings (restricted by "fourth preference" quota limits). The INS statistics confirm Zhou's account. By the early 1990s about 13,000 persons whose former country of allegiance was China were being naturalized annually. In 1992 there were 3,774 successful parent petitions for persons whose country of last permanent residence was China — suggesting a very high rate of about one successful petition for every four naturalized persons.

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Zhou notes that most Chinese migrants (particularly among the low skilled) located with kin in established Chinese communities like Chinatown in New York, which was the focus of her field work. Most find employment within the enclave, notably as restaurant workers in the case of men and garment workers in the case of women. Some of the better educated contribute health, finance and other services to co-ethnics. To Zhou, Chinatown is a success story. She sees it as a bustling, entrepreneurial enclave providing employment opportunities which do not threaten other New Yorkers' positions, and which also allows budding Chinese entrepreneurs to accumulate business skills and savings prior to launching their own business. Zhou does not assert that they move into the wider community as in the classic migrant success story. Rather the pattern she describes is of further expansion of the enclave into Chinese satellite communities elsewhere in New York, as at Flushing in Queens and Sunset Park in Brooklyn.

"... Chinese women, once they have been naturalized ... regard it as their duty to immediately petition for their parents and their siblings."

However, Chinatown's economic vibrancy and its relatively self-reliant community derives from the fact that its residents have recreated an essentially Third World set of institutions in New York. It has been built around low skilled industries offering poor wages and working conditions. Garment workers receive wages varying from $5 per hour for experienced workers to $2 per hour for new hands, for example. According to Zhou, both government and union regulations are regularly violated by Chinatown garment employers, for example, by rotating workers off the employment roster to avoid any accumulation of seniority rights.

There appears to be no obvious constraint against further expansion of the enclave, since as long as it receives a continual flow of disciplined workers willing to accept Third World employment conditions, it can export goods and services at competitive prices outside the enclave. This, plus the virtual monopoly the enclave has over the provision of culturally specific services ensures its continued growth. These circumstances will facilitate further chain migration flows. From the prospective migrant's point of view the existence of the enclave reduces the social pain of relocation and promises job opportunities for non-English speakers who would otherwise have little to offer in the U.S. It is likely therefore, that the migration chain from China will expand further, soon to rival in scale the other major source of migration to the United States, including the Philippines.

It is hard to reconcile Zhou's picture of healthy enterprise, in which drug usage, crime and criminal gangs barely feature, with Gwen Kinkead's account *Chinatown: A Portrait of a Closed Society*, (Harper Collins) [reviewed in *The Social Contract*, Vol.IV, No.2, Winter 1992-93], also published in 1992. Kinkead argues that most of the current flow of low skilled Chinese migrants to Chinatown are trapped in a vicious circle of low wages, long working hours and poor English. Movement out of the enclave into well-paid positions is just a dream. Worse, many are in effect hostages to a community in which U.S. civil institutions barely penetrate. The very self-sufficiency of Chinatown and the lack of any heritage of active citizenship or trust in the state allows the criminal element to dominate the enclave. In this setting many younger people are tempted to take the short cut to "success" by joining criminal gangs. As a result, Kinkead argues that criminal activities, especially drug dealing and illegal migration, have flourished.

So, while I found much of value in Zhou's portrait of Chinatown, it needs to be read alongside the more hard-headed picture painted by Kinkead.■

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How Will Immigration Transform Texas?

A Book Review by Gary F. Freeman

THIRTY MILLION TEXANS?
By Leon F. Bouvier and Dudley L. Poston, Jr.
Washington, D.C.: Center for Immigration Studies, 1993, 113 pages, $9.95

The nation's second largest state is undergoing an ethno-demographic transition such that early in the 21st century its population will have grown from 17 million to between 24 and 30 million and substantial changes in ethnic composition will have left it with no majority group. In this provocative study, Bouvier and Poston claim that population growth in Texas over the next half-century will produce rising taxes, crumbling infrastructure, and crowded schools, and prisons. Rapid growth will strain the environment's carrying capacity and make it doubtful that Texans will enjoy the same quality of life after 2020 they do in 1990. Quite apart from absolute numbers and rate of population growth, immigration and differential fertility among specific ethnic groups are bringing about changes in the ethnic and age structure of the population. These, the authors fear, will lead to intensified social conflict and the breakdown of existing cultural values.

Although the book is a call to action, and a number of policy changes are proposed, the authors' own analysis indicates that little can be done to slow growth or avert the ethnic changes and, although they eschew political analysis, a consideration of the political dynamics the transition they describe is likely to produce indicates no serious effort to slow down or reverse these trends is in the cards.

The authors produce three sets of projections based on different assumptions about fertility, mortality, and migration (domestic and international). These show that by 2020, the population of Texas will be either 30,776,000 (high), 25,867,000 (medium), or 24,545,000 (low). Their medium projection assumes that the fertility rates of all major ethnic groups will decline slowly till 2020, life expectancy of all groups will rise gradually, and immigration will remain at its present high level. Immigration interacts with other elements in the model as well and continuing streams of new Latino migrants with high fertility may prevent the expected decline in overall Latino fertility (p. 11).

Texas has grown more rapidly than the country as a whole since 1850 and its population more than doubled between 1950 and 1990 (p. 4). According to the 1990 Census, Anglos accounted for 60.6, African-Americans 11.6, Latinos 25.5, and Asians 2.3 percent of the total. The Anglo population is ageing, while almost one-third of Latinos are under 15, so that "even if immigration were to end immediately and even if all groups were to have the same fertility and mortality rates, the share of minorities would increase at the expense of the majority because of their differences in age composition" (p. 6.).

By 2020, Anglos will make up only 47.2 of the state's population, Hispanics 37.3 percent, African Americans 10.8 percent, and Asians 4 percent. "Even under the low scenario, Anglos will cease being the majority just after 2020" (p. 35). Fourteen percent of Anglos, 16 percent of Asians, 31 percent of African Americans, and 33 percent of Latinos live in poverty. The authors warn of "an emerging two-tier society where Anglos and Asians are doing well but where African-Americans and Latinos are barely surviving" (p. 18).

Bouvier and Poston assert that population growth is driving public school enrollments up and a dramatic shift in the ethnicity of the student body is taking place. "Because African-Americans and Latinos score lower on the Texas Assessment of Basic Skills Program (TABS), the overall quality of the Texas work force of the future will decline as the share of its population that is African-American and Latino grows at the expense of the Anglos" (p. 52). Culturally, Texas is becoming much more heterog

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geneous, but under conditions that make it unlikely that the new emerging ethnic groups will be absorbed into a common culture as happened in earlier periods (p. 74).

This book steps on a lot of toes and is likely to be dismissed as utopian by business and developmental interests, or criticized as biased by Latino and African-American representatives and avid multiculturalists. The authors don't help their case by occasionally slipping into exaggerated alarmist language (pp. 9, 29, 39) or undocumented claims (p. 34). On the whole, however, this is a balanced if chilling analysis of the future of the state if current trends continue over the next 30 years.

"... immigration is at the heart of the forces driving the demographic transition."

The critical question Bouvier and Poston raise, but do not answer, is whether the Texas political class will respond to these impending social changes and try to manage them. The authors call for "drastic reductions in fertility and migration ... particularly, but not only, among minorities" (pp. 101-102), and observe that "every effort must be made to reduce, and to eliminate if possible illegal immigration" (p. 102). They also suggest a number of steps the state government could take to reduce illegal immigration, including requiring a fraud-proof state identification card. They conclude that if "immigration — legal as well as illegal — were drastically reduced, and if fertility were to fall rapidly for all groups, growth could end soon after 2050 with a population in Texas of less than 30 million" (p. 103).

Because immigration is at the heart of the forces driving the demographic transition, and as it is the only variable directly under the control of government (at least the 60 percent the authors estimate is international in origin), it is essential to consider what policies are likely in the short and medium term. The authors' two higher scenarios assume no restrictions on legal immigration and no progress in controlling illegal migration over the next 30 years. Yet they argue that just such policies must be adopted. Which is more realistic?

The first thing to understand is that there is relatively little a state government can do to regulate immigration or fertility, despite the suggestions of the authors. Most of those things it could do are implausible. A state legislature that will not enact an income tax is unlikely to adopt a state ID. The second thing to understand is that demographics do not equal politics. Anglos will certainly dominate Texas politics long after they are no longer a numerical majority. They control the most important political, economic, and cultural institutions. Anglos are more likely to vote because they are older and more affluent and because many Latinos are either illegal or have failed to naturalize. One of the more disturbing prospects the analysis in this book holds out is a state with a shrinking white majority ruling, in the Third World style, a vast and impoverished brown and black majority.

It is possible, of course, that the prospect of the disappearance of their majority will provoke the Anglo leadership to use their political resources to ensure continued hegemony by retarding or reversing these demographic trends. I doubt this will happen. The lure of expansive policies will be too hard to resist. Texas is a pro-growth state and most Texans are likely to think that the doubling of the population over the next thirty years is a good thing, further proof of the superiority of Texas ways. Growth means fortunes to be made in real estate, industry, sales, and agriculture. It means cheap labor. The pro-growth impulse in Texas is much stronger than environmentalism, whose advocates in any case tend to be supportive of mass immigration, even when it is illegal, for ideological/humanitarian reasons.

If the political balance does begin to shift away from Anglo dominance to ethnic parity, Latino politicians and activists will have powerful incentives to resist proposals to control immigration and Latino fertility. The millions of Texans involved directly or indirectly with recent migrations will be a major constituency demanding more immigration. As the Latino population grows, its political spokespersons will see their electorate swell. Suggestions that public policy should be wielded to limit Latino fertility will be condemned as genocide. In other words, if the ruling Anglo majority is unable or unwilling to take dramatic steps to stem the ethno-demographic transition, there is no reason to expect Latino leaders to be any more responsive to the socio-economic consequences of runaway population growth. ■

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Nationhood and Ethnicity

A Book Review by Wayne Lutton

AMERICA BALKANIZED: IMMIGRATION'S CHALLENGE TO GOVERNMENT
By Brent A. Nelson
Monterey, VA: AICF
(American Immigration Control Foundation)
148 pages, $10.00

During his recent jaunt through Europe, President Clinton advised residents of the Baltic States that they should mimic the United States by embracing "diversity" and not insist that Russian colonists head back to Muscovy when the last battalions of the former Red Army decamp, as they are supposed to in the near future. But the Latvians, Lithuanians, and Estonians know from bitter first hand experience that "to populate is to govern" and so they have thus far rejected this bit of political wisdom from the mountebank of the Ozarks.

The assertion that the United States is a model multi-ethnic state that others would be well-advised to emulate becomes less and less convincing as we stagger from racial "incident" to "incident." Such overseas observers as John Gray of Oxford University view us as a "proto-Lebanon" riven by ethnic strife. Brent Nelson, the author of learned monographs on assimilation and Mexican irredentism, argues in his latest book, *America Balkanized*, that immigration policies pursued since the mid-1960s have brought about a demographic transformation that virtually guarantees a future dominated by chronic internal conflict. Unless these policies are soon ended, the 1990's may come to be viewed as "the good old days" by the demoralized 21st Century inhabitants of an ungovernable United States marked by economic decline and environmental degradation.

Drawing on important scholarship from the fields of political theory, demography, anthropology, sociology, biology, history, and ethics, Dr. Nelson confirms that a "nation" is not a mere set of geographic boundary lines, much less an unstable collection of various peoples swearing a vague allegiance to universalist concepts of "democracy." Rather, as he explores in his chapter, "What Is A Nation?," nationhood is perpetuated by a core ethnic group sharing what John Stuart Mill described as "fellow feeling." This sense of common identity is the foundation upon which a viable nation rests.

Discussing the "Limits of Assimilation," the author suggests that the legalization of group rights has brought traditional assimilation to an end, especially as economic and political rewards are no longer based on what critics dismiss as the "Eurocentric" concept of individual meritocracy. Intergroup tensions and outright violence are becoming the rule, not the exception. New waves of immigrants concentrated in particular geographic areas are fostering "reverse assimilation" whereby *their* social, political, and economic institutions are coming to prevail.

Dr. Nelson surveys a broad range of political and economic literature to support his contention that the era of "American exceptionalism has ended." He cites Erazin Kohak of Boston University, who is convinced that the "dynamics of disintegration" that have re-emerged in Eastern Europe are not unlike the "strains barely concealed beneath the surface" in the United States.

From an economic standpoint, "diversity" can be a serious handicap. Robert Barro, a Harvard economist, posits that

> *a central driving force in defining the state is the desire to have a reasonably homogeneous population within its borders...Political economy explains some of the benefits from having a homogeneous population within a given state. If diversity is great...then there is a strong incentive for people to spend their energies in efforts to redistribute income rather than to produce goods. In particular, a greater dispersion of constituent characteristics leads to the creation of interest groups that spend their time lobbying government to redistribute resources in their favor.*

Demography-driven "diversity," far from being a source of political and economic strength, leads to what Joseph Rothschild has dubbed the "politicization of ethnicity." Turning to the work of David Pimentel of Cornell University, who concludes that

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current living standards can be sustained only if the U.S. population is reduced to 100 million, Dr. Nelson questions the ability of governments to successfully manage crises as the U.S. moves into an era of scarce natural resources (such as arable land, clean water, and fossil fuels).

In his final chapter,"The Outlook for America," the author remarks:

> *Simply because the United States or some other nation had a massive influx of immigrants in the past is no reason for that policy to be continued in the future. The suggestion that because something once was, it must always be is an example of a flaw in logic, the non sequitur, which particularly plagues discussions of the immigration question. America's history as a nation of immigrants is not unique. What is unique is the extent to which America has opened itself to immigration.*

Like critic Lawrence Auster, Nelson sees the promotion of "multiculturalism" as an immigration-fueled assault on the United States' European core culture. Should the multiculturalists prevail,

> *The Caribbean, however, will still be Caribbean in its culture and people; Mexico will remain Mexican; Japan will be as Japanese as ever, and so forth through the ranks of all the other nations outside the European-Western world. They will be unscathed, or even strengthened, by the demise of the old European America. After all is said and done, it will have been only European Americans who will have lost their cultural identity, their political institutions, their traditional standard of living, and much else.*

As sobering as the trends are, Brent Nelson does not contend that the ultimate demise of America is inevitable. Indeed the discrediting of comfortable assumptions and popular myths may actually "give the American people a fighting chance to win for themselves and their posterity a new vision and reality of nationhood that will be greater than any which they have theretofore known." But for that to be realized, immigration control will have to soon be effected. ■

Exploding the Myth of "Progress"

A Book Review by John Rohe and Wayne Lutton

POPULATION POLITICS
By Virginia Abernethy
New York: Insight Books/Plenum Publishing
350 pages, $26.50

Vanderbilt University anthropologist Virginia Abernethy explains in her new book, *Population Politics*, how foreign aid and development strategies, along with high rates of immigration, spur population growth in the Third World, as well as in the United States. Most importantly, she reveals that the "demographic transition model" embraced by both liberals and conservatives — which argues that economic development leads to population stabilization — is a dangerous myth. Dr. Abernethy concludes her critique by offering a number of sensible alternatives to current population policies, including a call for new restrictions on immigration to the U.S.

In the past, human fertility tended to maintain a state of equilibrium with available natural resources. To sustain this balance, cultural restraints evolved including sexual abstinence, delayed marriage, non-procreative sex, abortion, surgical procedures, and Victorian values. These cultural norms were passed from generation to generation. They may have been prompted by occasions when particular populations expanded beyond the capacity of their local environments to support larger numbers, triggering famines and tribal conflicts over scarce natural resources, such as water and grazing land.

During the 19th Century, the recognition of environmental limits contained within cultural rituals gave way to the American frontiersman's cornucopian imagery. Vast horizons and seemingly unlimited resources, along with the industrial revolution, contributed to this feeling of euphoria and liberation from the past. "Limitationism" went out of fashion. As Dr. Abernethy observes,"In the Western mind, scarcity is an aberration correctable by the appropriate application of capital, technology and labor."

This belief in unending Progress has been exported to non-Western "developing" countries. In

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the post-World War II era, foreign aid and other "humanitarian" gestures, such as emergency food subsidies, have eroded traditional cultural restraints on fertility. For example, Christian missionaries to the Inuit Eskimos characterized fertility-suppressing sexual practices as "a horror to our Lord." Likewise, in India, customs retarding population growth were abandoned faster than modern contraceptives could be substituted. As a consequence, net world population growth has reached 100 million per year, with no reduction in sight.

A corollary to the belief in Progress was the "demographic transition" model which asserted that rising prosperity reduced human fertility and that, as Garrett Hardin explains in his Introduction, "excessive fertility cures itself whenever prosperity is conferred on a population." Dr. Abernethy dissects this model. She shows that this assumption overlooks the fact that "fertility transition occurred in the midst of desperate poverty and very high infant mortality ... the pattern of very small family size was established a full fifty years before any decline in infant mortality. Industrialization and urbanization seemed just as irrelevant...With so shaky a historical basis, predictions made for the Third World were bound to fail. The poor results are as unsurprising as they are disappointing...modernization and lower child mortality have led to more, not fewer, births." Every victory over hunger becomes a mere triumph of the moment.

Significantly, the prospect of migration also plays a role in population growth. The author notes that,"recent data from high-fertility countries in the Caribbean suggest that fertility *stays high because parents expect that some of their children will emigrate.*"

And many of those who managing to move to the U.S. do indeed have larger families than they might have had they stayed home. As Dr. Abernethy points out, Mexican women who move to the U.S. "have significantly higher fertility than those who remain in Mexico ... Mexican-born women in the U.S. average 119.3 births annually per 1,000 women. This rate compares with 78 births per 1,000 among black and 65 births per 1,000 among white, native-born women." Filipinos, some Russian refugees, Hmong and other South and Southeast Asians "also have extraordinarily large families ... Immigrants tend to bear children at the rate idealized in their country of origin and facilitated by the jobs, health care, subsidized housing, and welfare benefits in the United States. One should take into account that, where native-born Americans see deterioration in the standard of living, most newcomers perceive themselves as much better off than before."

Having undermined the cultural supports for population stability in the Third World, where over 90 percent of the world's population increase takes place, where do we go from here? "Population control," she emphasizes," by modern or traditional means, is the irreducible bottom line by which third world countries can respond to environmental limits. Indeed, they can save themselves in no other way." To help accomplish this end, she urges the implementation of the following:

- Support of family-planning assistance programs;
- Supporting job creation for women;
- Limiting immigration visas as an incentive to staying home and working out problems;
- Making the United States an example of a sustainable society.

Population Politics closes with an review of America's past and a consideration of future prospects. The closing of the frontier has prompted a reassessment of immigration policies. By exceeding the assimilative capacity of this country, narrow group rights now trump historic individual freedoms. Pollution, crowding, depleting aquifers, solid waste disposal problems, failed education systems, rising taxes, infrastructure and natural capital losses, crime and a generally lower standard of living are among the long list of consequences related to our having grown beyond the carrying capacity of the U.S.

In her analysis, immigration is viewed as the single most prominent factor propelling continued population growth in the United States. To nurture democracy, build a genuine American identity, maintain individual rights and civil liberties, and provide employment opportunities for America's under-privileged, Dr. Abernethy calls for no more than replacement-level immigration. This means the number of new immigrants admitted would not exceed the net number of people who permanently leave the U.S. every year. She challenges policy makers to reform immigration laws in the light of known facts and existing public sentiment supporting sharp limits.

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Letters to the Editor

Editor:

I am finally getting around to reading the Spring issue of *The Social Contract*, beginning with your essay, "End of the Migration Epoch?" which is absolutely magnificent. That double-column comparison of paradigms before-and-after is the right way to go. Your analysis renders nugatory 99.9 % of all that has been written about immigration during the past ten years. From now on, all discussions of this subject should begin with a close reading of your analysis. Your New Decalogue should be a fine way to force people to couch the moral problems in a rational framework.

I am greatly distressed with the pathological channelization of learning in the modern world. Let the director of the Harvard population office — or the Urban Institute, or the Princeton office of population affairs, or Julian Simon — say something about population and population nonsense is spread across newspapers and TV from coast to coast. But when a genuine "contribution to knowledge" like yours is published in Michigan, I'm afraid that virtually no one notices. People in academia are trained to regard only certain sorts of publications as true *publications* (as needed to qualify for advancement up the academic ladder). Truly objective evaluation of publications is virtually non-existent in academia.

What to do? I don't know. I will use any chance I get to beat the drums for [your thesis]. Will reprints be available? ... If I were to teach in adult education (as I have in the past) I would certainly use your essay as the linchpin of a course on immigration. If I were thirty years younger I would be fighting to be given the chance to teach such a course to the citizens of Santa Barbara.

In the meantime, let me repeat my unqualified praise of your essay, while I set about reading the rest of the issue.

Sincerely,
Garrett Hardin
Santa Barbara, CA

[Editor's note: Reprints of the essay are available postpaid for $1.00 each. Readers also have our permission to copy the essay on their own.]

* * *

Editor:

I have just finished your article: "End of the Migration Epoch?"

I do not know of another grasp of the population situation as cogent. You are not only first in the subject, you are predicting history and timing it to boot....

Sincerely,
Robert K. Graham
Foundation for the Advancement of Man
Escondito, CA

A Higher Estimate of Illegal Entries

The Immigration and Naturalization Service (INS) has announced a change in its official estimate of the annual influx of illegal aliens who settle permanently. The INS now estimates that 300,000 illegal aliens settle here every year. INS had formerly been using an estimate of 200,000. The new estimate is in agreement with the estimate of the Center for Immigration Studies.

— *Immigration Review*, No. 17, Spring 1994
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1815 "H" Street, NW, Suite 1010, Washington, DC 20006

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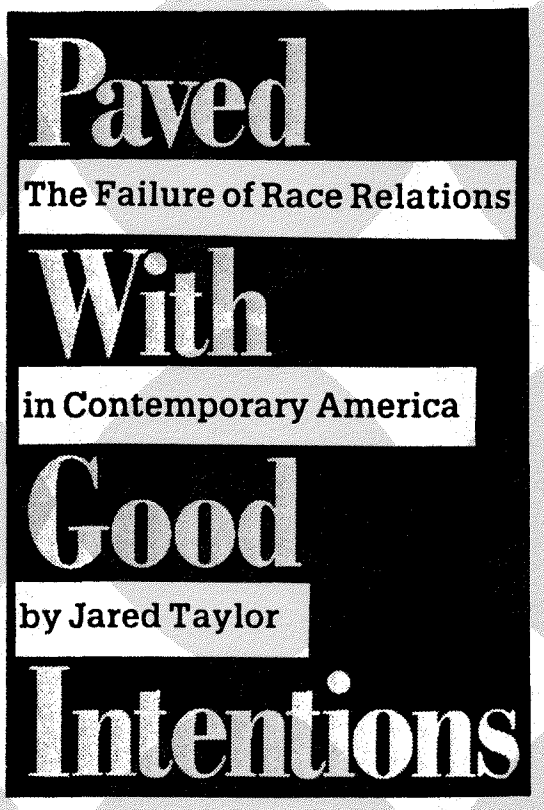

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